

Adopt Plc 300, previously effective 12-11-09 as He-P 900 (Document #9612), and expired 12-11-17, to read as follows:

CHAPTER Plc 300 MASSAGE THERAPISTS

PART Plc 301 DEFINITIONS

Plc 301.01 Definitions.

- (a) “Advisory board” means “advisory board” as defined in RSA 328-B:2, II.
- (b) “Allied bodyworker techniques” means techniques that enhance therapeutic effects on the body, which may be used in conjunction with massage therapy.
- (c) “Applicant” means “applicant” as defined in RSA 328-B:2, I.
- (d) “Continuing education” means the ongoing process of maintaining the necessary knowledge, ethics, and skills to perform massage therapy.
- (e) “Cooperate” means to provide the office with any information requested by the executive director during an investigation and to answer any questions posed by the office in order to enable it to determine compliance with RSA 328-B and Plc 300.
- (f) “CPR” means cardiopulmonary resuscitation certification provided by the American Heart Association, the American Red Cross, or the National Safety Council, or any other course which meets or exceeds the American Heart Institute standards.
- (g) “Executive director” means “executive director” as defined in RSA 328-B:2, IV.
- (h) “First aid” means education in life saving techniques which is provided by the American Heart Association, the American Red Cross, or the National Safety Council.
- (i) “Good standing” means that no administrative action such as denial of application, suspension, or revocation of license or imposition of an administrative fine that has not been paid has occurred or is pending.
- (j) “Hydrotherapy” means the application of water in its varied forms, such as solid, liquid, or vapor, to the body for therapeutic effects.
- (k) “Inappropriate sexual contact” means the intentional touching by the massage therapist of the client’s breasts or genitalia when such touching:
 - (1) Is a therapeutic aspect of the massage, but is done without the informed consent of the client; or
 - (2) Is not a necessary, therapeutic aspect of the massage, and is performed primarily for the purpose of sexual arousal or gratification of the massage therapist or the client.
- (l) “Kinesiology” means the science of human movement.

- (m) “License” means the document issued by the office authorizing a person to practice as a massage therapist.
- (n) “Licensee” means “licensee” as defined in RSA 328-B:2, V.
- (o) “Massage” means “massage” as defined in RSA 328-B:2, VI.
- (p) “Massage therapist” means “massage therapist” as defined in RSA 328-B:2, VII.
- (q) “Nationally recognized certifying examination” means a written examination recognized by at least one third of the states that require the licensure of massages therapists in order to practice therapeutic massage.
- (r) “Offense” means an act of inappropriate sexual contact occurring during the course of a single massage.
- (s) “Office” means the New Hampshire office of professional licensure and certification.
- (t) “Reciprocity” means the recognition of the validity of another state’s licensing requirement as being equivalent to or greater than that of RSA 328-B, and in accordance with Plc 300.
- (u) “Residency” means a person’s place of abode or domicile designated by a person as his or her principal place of physical presence for the indefinite future to the exclusion of all others.
- (v) “Sanitary” means healthful conditions and a clean, hygienic condition maintained by the elimination of dirt and agents of infection or disease.

PART Plc 302 INITIAL LICENSURE AS A MASSAGE THERAPIST

Plc 302.01 Requirements for Licensure as a Massage Therapist. Applicants for initial licensure as a massage therapist shall:

- (a) Meet the educational requirements described in Plc 302.02; and
- (b) Comply with the application requirements described in Plc 302.06.

Plc 302.02 Educational Requirements for Initial Licensure as a Massage Therapist.

- (a) The minimum educational qualifications for licensure as a massage therapist shall include:
 - (1) A high school diploma or its equivalent;
 - (2) Graduation from a qualifying massage therapy school, as described in Plc 302.04; and
 - (3) Completion of a course of study of at least 750 hours, including the following:
 - a. Anatomy and physiology;

- b. History, theory, practice, benefits, and contraindications of massage therapy, related modalities, and adjunct therapies within the scope of practice of a massage therapist, including Swedish massage and hydrotherapy;
 - c. Hygiene and sanitary practices, including:
 - 1. Blood-borne pathogen standards; and
 - 2. Adult CPR and first aid, as documented by current certification in each area;
 - d. Health service management, business practices, and ethics of massage; and
 - e. Verifiably documented practical hours, further described in Plc 302.03.
- (b) Continuing education events, seminars, or programs shall not be accepted or approved as meeting any of the educational requirements in (a) above.
- (c) Distance learning shall be accepted as meeting the educational requirements in (a) above, provided that:
- (1) The distance learning courses were not palpation dependent, hands-on courses;
 - (2) All palpation dependent, hands-on courses were taken at the qualifying massage school;
 - (3) The distance learning program required an on-line learning self-assessment quiz to be passed by the potential student prior to being accepted into the program;
 - (4) The self-assessment quiz required in accordance with (3) above included inquiries relative to the student's:
 - a. Expectations of on-line learning;
 - b. Academic experience;
 - c. Technology skills;
 - d. Writing skills;
 - e. Level of maturity; and
 - f. Self-discipline;
 - (5) Specific learning goals for each course were posted online;
 - (6) All distance learning courses provided students with continuous interaction between faculty and students through use of online communications tools which included:
 - a. Online discussion board;
 - b. Virtual classroom;

- c. Responsive email; and
 - d. Live chat;
- (7) Each course contained a weekly scheduled time for students to communicate live with his or her instructor;
- (8) Each course contained timely and reliable feedback to students; and
- (9) All distance learning courses provided the use of an online gradebook to allow students to constantly monitor their progress throughout the course.

Plc 302.03 Verifiably Documented Practical Hours. The required verifiably documented practical hours shall include:

- (a) Client information forms to be completed on each client, which shall include at least:
 - (1) The client's name, address, and telephone number; and
 - (2) The client's dated signature;
- (b) Client notes, which shall include at least:
 - (1) The student therapist's name;
 - (2) The client name;
 - (3) The date of session;
 - (4) The duration of the session; and
 - (5) Session notes; and
- (c) A school log, which shall include the:
 - (1) Student's name;
 - (2) Client's name, address, and telephone number;
 - (3) Date of session;
 - (4) Duration of session; and
 - (5) Signature of the school representative, at the completion of the 750 hours, verifying that all client information forms and client notes in accordance with (a) and (b) above have been reviewed, are complete, and accepted by a faculty member of administrator.

Plc 302.04 Qualifying Massage Therapy Schools. Applicants for initial licensure as a massage therapist shall have attended a massage therapy school:

- (a) That keeps all records of practical hours described in Plc 302.03 on file for at least 3 years after the student's completion of the massage therapy program;
- (b) That makes all school logs as described in Plc 302.03 available and subject to inspection by the office and New Hampshire post-secondary education; and
- (c) Whose curricula, at the time the applicant attended the school, included at least all of the courses described in Plc 302.02(a)(3).

Plc 302.05 Written Examination for Initial Licensure as a Massage Therapist. Applicants for initial licensure as a massage therapist shall pass:

- (a) The National Certification Examination for Therapeutic Massage and Bodywork;
- (b) The Massage and Bodywork Licensure Examination (MBLEx); or
- (c) Any other nationally recognized certifying examination.

Plc 302.06 Initial Massage Therapist License Application.

- (a) Any person who wishes to engage in the practice of massage therapy shall first complete and submit a "Massage Therapist Licensure Application" form for a massage therapist license.
- (b) Each applicant for licensure as a massage therapist shall complete and submit a "Massage Therapist Licensure Application" form for licensure which contains the following:
 - (1) The applicant's legal name;
 - (2) The applicant's home and mailing address;
 - (3) The applicant's email address;
 - (4) The applicant's home telephone and cell phone number;
 - (5) A recent 2" x 2" photograph of the applicant's face;
 - (6) The applicant's date of birth;
 - (7) The applicant's social security number as required by RSA 161-B:11, VI-a;
 - (8) The name and address of the massage therapy schools attended, enrollment date, and graduation date;
 - (9) An official copy of the diploma or certificate received from the massage therapy school;
 - (10) Verification that the applicant has completed the educational requirements of Plc 302.02, as follows:

- a. The applicant shall submit his or her official school transcripts from the massage therapy school that the applicant attended; and
- b. If any part of the applicant's massage therapy education was through distance learning, those courses shall meet the requirements for distance learning in accordance with Plc 302.02(c);

(11) Documentation of passage of a written exam in accordance with Plc 302.05;

(12) The name of each state where the applicant holds or has held a license or certificate to practice massage therapy and the number of years the applicant has practiced in each state;

(13) A copy of the applicant's current first aid certification;

(14) A copy of the applicant's current adult CPR certification;

(15) A statement verifying that the applicant is in good mental and physical health in accordance with RSA 328-B:6, I(d) and, if not, an explanation of such circumstances;

(16) A statement that the applicant has not been convicted of any crime involving violence inflicted on a person or threatened against a person, or any sexually-related crime, in New Hampshire or any other state in accordance with RSA 328-B:6, I(c) and, if yes, an explanation of such circumstances; and

(17) The applicant's dated signature below the following pre-printed attestation:

"By my signature I attest full compliance with RSA 328-B and all corresponding New Hampshire regulations and that the information and documentation provided are accurate to the best of my knowledge. I understand that knowingly providing false information may be grounds for denial, suspension, and/or revocation of a license."

- (c) The completed application shall be submitted to the executive director and accompanied by the fee set forth in Plc 308.

Plc 302.07 Office's Processing of Applications for Initial Licensure as a Massage Therapist.

- (a) The executive director, or his or her designee, shall review the application and notify the applicant in writing within 10 days if the application does not meet the requirements of Plc 302.06(b) and (c), specifying any additional information or documentation the applicant shall submit.
- (b) The executive director shall grant a license to practice massage therapy to applicants who:
 - (1) Submit an application in accordance with Plc 302.06; and
 - (2) Meets the qualifications for granting of a license as outlined in Plc 302.01 – Plc 302.05.
- (c) The executive director shall send the license to the applicant at the address shown on the application.

- (d) Licenses issued by the executive director shall expire on the last day of the birth month of the licensee in the even-numbered year.
- (e) The executive director shall deny any application if the applicant:
 - (1) Has committed an “offense” as defined by Plc 301.01(s) or, pursuant to RSA 328-B:6, I (c), been convicted of any crime involving violence inflicted on a person or threatened against a person, or any sexually related crime;
 - (2) Knowingly makes any false statement regarding the application or license or in any report the executive director requires to be made;
 - (3) Fails to respond to any lawful inquiry of the executive director;
 - (4) Fails to pay an administrative fine imposed by the executive director; or
 - (5) Does not meet all of the qualifications for licensure as outlined in Plc 302.01-302.05.
- (f) The executive director shall send the decision to deny the application to the applicant at the address shown on the application.
- (g) Application fees shall not be refunded if the application is denied.

PART Plc 303 LICENSE BY RECIPROCITY

Plc 303.01 Initial License by Reciprocity.

- (a) An applicant who holds a license or registration from another state whose licensing requirements are substantially equivalent to and not less than those specified by RSA 328-B and Plc 300 may apply for licensure by reciprocity.
- (b) An applicant for licensure by reciprocity shall complete and submit a “Massage Therapist Licensure Application” form for licensure by reciprocity on a form provided by the executive director containing the following:
 - (1) The information required by Plc 302.06; and
 - (2) A written statement from the state in which the applicant holds a license or registration to practice massage therapy, verifying that the applicant is licensed in that state and that the license is in good standing.
- (c) The completed application shall be submitted to the executive director and be accompanied by the initial license application fee as set forth in Plc 308.
- (d) Applications submitted under this section shall be processed as described in Plc 302.07, provided that the executive director shall also deny applications submitted under this section if he or she receives written verification from the state(s) in which the applicant holds a license or registration to practice massage therapy that the applicant’s license or registration is not in good standing.

- (e) Application fees submitted under this section shall not be refunded in the event an application is denied.

PART Plc 304 TEMPORARY LICENSE

Plc 304.01 Temporary Licensure as a Massage Therapist.

- (a) An applicant who attended a massage therapy program in another state but who does not yet meet the requirements for licensure shall be eligible for a temporary license to practice as a massage therapist, provided that he or she:
 - (1) Complete and submit the “Massage Therapy Temporary License Application” form, effective August 2018, containing the information outlined in Plc 302.06(b);
 - (2) Is at least 21 years old;
 - (3) Submits documentation of New Hampshire residency;
 - (4) Submits documentation that he or she has practiced massage therapy for 3 of the preceding 5 years;
 - (5) Submits official school transcripts from the massage therapy school the applicant attended to demonstrate that he or she has completed a minimum of 500 educational hours, provided that education obtained through distance learning shall meet the requirements for distance learning as outlined in Plc 302.02(c); and
 - (6) Submits a written statement from the state(s) in which the applicant had been practicing massage therapy verifying that the applicant was or is in good standing;
- (b) The completed application form and submissions in (a)(3)-(a)(6) shall be sent to the executive director and accompanied by the temporary license application fee described in Plc 308.
- (c) Applications submitted under this section shall be processed as described in Plc 302.07, provided that the executive director shall also deny applications submitted under this section if any of the requirements in (a) above are not met.
- (d) Temporary licenses shall be valid for one year from the date of issue, to allow the temporary licensee to complete any additional educational or examination requirements for an initial license in accordance with Plc 302, and shall not be eligible for renewal.

PART Plc 305 MASSAGE THERAPY LICENSE RENEWAL

Plc 305.01 Requirements for Massage Therapist License Renewal. Licensees seeking to renew their license shall:

- (a) Have met the continuing education requirements described in Plc 305.02; and
- (b) Submit the completed application form, documentation, and fee described in Plc 305.03.

Plc 305.02 Continuing Education Requirements.

- (a) Licensees shall complete a minimum of 12 hours of continuing education during each licensing period in accordance with RSA 328-B:4, VII(j).
- (b) Continuing education programs shall be:
 - (1) Sponsored by a professional association that specializes in massage education;
 - (2) Sponsored by a post-secondary institution;
 - (3) Instructed by a provider who has been approved by the National Certification Board for Therapeutic Massage and Bodywork; or
 - (4) Instructed by a provider who has been approved by the Federation of State Massage Therapy Boards.
- (c) Home study programs shall include books, audio, video, or computer programs with passage of a written examination.
- (d) Subjects for continuing education supporting the scope of practice as described in RSA 328-B:2-a shall be limited to:
 - (1) Anatomy;
 - (2) Physiology;
 - (3) Massage theory;
 - (4) Massage techniques;
 - (5) Benefits and contraindications of massage;
 - (6) Kinesiology;
 - (7) Hydrotherapy;
 - (8) Joint movement;
 - (9) Allied bodyworker techniques;
 - (10) Communicable disease control;
 - (11) Hygiene or sanitary practices;
 - (12) Ethical or legal aspects of massage practice; or
 - (13) 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 3 hours per licensing period.
- (e) Hours spent teaching massage therapy shall count, on an hour per hour basis, towards the continuing education requirements of (a) above.
- (f) Publication of books or peer-reviewed articles shall count, for a maximum of 6 hours per book or peer-reviewed article, towards the continuing education requirements of (a) above.
- (g) Publication of other articles shall count, for a maximum of 3 hours per article, towards the continuing education requirements of (a) above.

Plc 305.03 Renewal Application for Massage Therapists.

- (a) A massage therapist who wishes to maintain his or her license shall complete and submit a “Massage Therapist Renewal Application” form to the executive director in accordance with RSA 328-B:7 at least 30 days prior to the expiration of his or her license.
- (b) The executive director shall, at least 60 days prior to the expiration of a license:
 - (1) Notify, in writing, licensees that their licenses are due to expire; and
 - (2) Include with this written notice a “Massage Therapist Renewal Application” form for renewal of license.
- (c) The application described in (a) above shall contain the following:
 - (1) The applicant’s legal name;
 - (2) The applicant’s home and mailing address;
 - (3) The applicant’s home and cellular telephone number;
 - (4) The applicant’s email address;
 - (5) An indication as to whether the applicant has been convicted of any crime involving violence inflicted upon a person, or any sexually related crime and, if so, an explanation of such circumstances;
 - (6) All information on disciplinary actions taken, if any, in any other state regarding the applicant’s activities as a massage therapist; and
 - (7) Documentation of having met the continuing education requirements of Plc 305.02, which shall include the following:
 - a. The name of the course;
 - b. The date the licensee completed the course;

- c. The location of the course;
- d. The name of the sponsor of the course; and
- e. The number of continuing education hours obtained; and

(8) The applicant's dated signature below the following pre-printed attestation:

“By my signature I attest full compliance with RSA 328-B and all corresponding New Hampshire regulations and that the information and documentation provided are accurate to the best of my knowledge. I understand that knowingly providing false information may be grounds for denial, suspension, and/or revocation of a license.”

- (d) Renewal applicants shall submit the non-refundable renewal fee specified in Plc 308.
- (e) Renewal applications shall be processed by the executive director in accordance with Plc 302.07.
- (f) In each renewal cycle, 5% of licensees shall be randomly selected for audit of compliance with the continuing education requirements outlined in Plc 305.02.

Plc 305.04 Expired Licenses.

- (a) If an application for renewal is received after the expiration date of the license, the license shall be expired.
- (b) A massage therapist whose license has expired in accordance with (a) above shall not practice massage therapy until he or she has obtained a license in accordance with RSA 328-B and Plc 300.
- (c) A massage therapist whose license has expired in accordance with (a) above and who wishes to reapply for a license shall reapply for an initial massage therapy license in accordance with Plc 302.
- (d) If a massage therapist reapplies for an initial license in accordance with (c) above, and his or her license has been expired for less than 2 years, the office shall accept the scores of the applicant's written examination required pursuant to Plc 302.05 that was submitted as part of the application leading to issuance of the expired license.
- (e) In addition to (d) above, the applicant shall also include with the initial application documentation of having met the continuing education requirements of Plc 305.02.
- (f) If a massage therapist reapplies for an initial license in accordance with (c) above, and his or her license has been expired for more than 2 years, the applicant shall also be required to retake and pass a written examination in accordance with Plc 302.05.

PART Plc 306 ONGOING REQUIREMENTS

Plc 306.01 Posting of License Number, Change of Address, and Timely Submission of Application.

- (a) Licensees shall immediately notify the executive director of any change in home or business address.
- (b) Failure to receive an application for renewal of the current license sent by the office shall not excuse the licensee from the obligation to submit an application for renewal at least 30 days prior to the expiration of the current license, in accordance with Plc 305.03.
- (c) Massage therapist licenses shall be posted in each office the licensee practices in, or carried on the licensee if the licensee practices massage therapy at locations other than his or her office or offices.
- (d) Display advertising, such as business cards or phonebook, newspaper, or website advertising, shall include the licensee's license number.

PART Plc 307 DISCIPLINARY ACTION

Plc 307.01 Suspension.

- (a) The executive director shall, after notice and opportunity to be heard, suspend a massage therapist's license in accordance with Plc 200 if the massage therapist fails to:
 - (1) Cooperate with an investigation by the office, to the extent required by these rules; or
 - (2) Pay a fine in accordance with Plc 307.03.
- (b) The length of the suspension shall be until such time as the licensee:
 - (1) Complies with the requirements for which the suspension was issued and has paid all fines, if any, associated with the suspension; or
 - (2) Has his or her license revoked in accordance with Plc 307.02(a)(3).
- (c) Upon reinstatement of a suspended license, the applicant shall not be required to pay an additional license fee, and the expiration date of the license shall remain the same for the license.

Plc 307.02 Revocation and Denial.

- (a) The executive director shall, after notice and opportunity to be heard, revoke a license in accordance with Plc 200 if the licensee:
 - (1) Has, at any time, been convicted of any crime involving violence inflicted on a person or threatened against a person, or any sexually-related crime in accordance with RSA 328-B:8, IV;

- (2) Has given false information on his or her renewal application relative to continuing education;
 - (3) Fails to comply with the conditions for the removal of a suspension within 90 days of the suspension taking effect; or
 - (4) Has committed an offense with a client.
- (b) A massage therapist whose license has been revoked or whose application has been denied for committing a single offense shall not reapply for a massage therapist license for at least 2 years from the date the revocation or denial became final, after the first offense;
- (c) License revocations and denials shall be permanent after a licensee's second offense.
- (d) Massage therapists whose licenses have been revoked or denied pursuant to (a) or (b) above, and who wish to reapply for a license, shall be eligible to do so in accordance with Plc 302 so long as he or she has complied with the requirements for which the revocation or denial was issued and has paid all fines, if any, associated with the revocation or denial.

Plc 307.03 Administrative Fines.

- (a) When the executive director determines that a violation of RSA 328-B or Plc 300 has occurred, the executive director shall, after notice and opportunity to be heard, impose a fine in accordance with RSA 328-B:11-a and Plc 200.
- (b) If the licensee waives the right to a hearing and chooses to pay the imposed fine, the fine shall be paid to and received by the office within 30 days of receipt of the notice of fine by the applicant or massage therapist.
- (c) Fine payments shall be sent to the executive director, and shall be paid in cash, or check or money order made payable to "Treasurer – State of New Hampshire."
- (d) Fines for violations of the provisions of RSA 328-B and Plc 300 shall be imposed as follows:
 - (1) For submitting false or fraudulent information on or with the application, the fine shall be \$500.00;
 - (2) For falsification of a license to practice massage therapy, the fine shall be \$500.00;
 - (3) For practicing or advertising massage therapy without a license, the fine shall be \$500.00;
 - (4) For failure to cooperate during an investigation, the fine shall be \$750.00;
 - (5) For committing an "offense" as defined in Plc 301.01(r), the fine shall be \$1,000.00 for the first offense; and
 - (6) For committing an "offense" as defined in Plc 301.01(r), the fine shall be \$2,000.00 for the second offense.

PART Plc 308 FEES

Plc 308.01 Fees.

- (a) The fee for initial, temporary, and renewal licensure as a massage therapist shall be \$110.
- (b) Applicants for initial, temporary, or renewal licensure shall make the payment described in (a) in cash, check, or money order made payable to "Treasurer-State of New Hampshire".

Appendix

| Rule | Statute Implemented |
|-------------|--|
| Plc 301.01 | RSA 328-B:2, I, II, IV-VII; RSA 541-A:7 |
| Plc 302.01 | RSA 328-B:4, VII(b), (c); RSA 328-B:6, I |
| Plc 302.02 | RSA 328-B:4, VII(c); RSA 328-B:6, I |
| Plc 302.03 | RSA 328-B:4, VII(b), (c); RSA 328-B:6, I |
| Plc 302.04 | RSA 328-B:4, VII(c) |
| Plc 302.05 | RSA 328-B:4, VII(c) |
| Plc 302.06 | RSA 328-B:4, VII(b); RSA 328-B:6, I(a) |
| Plc 302.07 | RSA 541-A:16, I(b) intro. |
| Plc 303.01 | RSA 328-B:4, VII(b); RSA 328-B:6, III |
| Plc 304.01 | RSA 328-B:4, VII(b), (h); RSA 328-B:5-a |
| Plc 305.01 | RSA 328-B:4, VII(e); RSA 328-B:7 |
| Plc 305.02 | RSA 328-B:4, VII(j) |
| Plc 305.03 | RSA 328-B:4, VII(e); RSA 328-B:7 |
| Plc 305.04 | RSA 328-B:3; RSA 328-B:4, VII(c), (e); RSA 328-B:7 |
| Plc 306.01 | RSA 328-B:4, VII(e) |
| Plc 307.01 | RSA 328-B:4, VII(i); RSA 328-B:8 |
| Plc 307.02 | RSA 328-B:4, VII(i); RSA 328-B:8 |
| Plc 307.03 | RSA 328-B:4, VII(k); RSA 328-B:11-a |
| Plc 308.01 | RSA 328-B:6, I(a); RSA 328-B:7; RSA 541-A:7 |