

R156. Commerce, Professional Licensing.

R156-47b. Massage Therapy Practice Act Rule.

R156-47b-101. Title - Authority - Relationship to Rule R156-1.

- (1) This rule is known as the "Massage Therapy Practice Act Rule."
- (2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 47b, Massage Therapy Practice Act.
- (3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-10[7]1.

R156-47b-102. Definitions.

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 47b, Massage Therapy Practice Act. [-]In addition:

- (1) "Accrediting agency" means an organization, association, or commission recognized by the United States Department of Education as a reliable authority in assessing the quality of education or training provided by a school or institution.
- (2) "Acute" injury under Subsection 58-47b-102[(9)(b)](13)(g) means a sudden onset injury [~~such as~~]including a sprain, strain, or contusion.
- ~~[(3) "Body wrap" means a body treatment that:~~
 - ~~(a) may include one or more therapeutic preparations;~~
 - ~~(b) is not for cosmetic purposes; and~~
 - ~~(c) maintains modesty by fully or partially draping the body.]~~
- (4) "Clinic" means performing on the public, in a supervised student setting, the techniques and skills learned under the curriculum of a registered school.
- (5) "Display prominently" means to make visible in at least the entryway reception area of a registered massage establishment.
- (6) "Direct supervision" is defined in accordance with R156-1-102a.
- (7) "Disrobe" means removing one's clothes to the point of undress.
- ~~[(5)8] "Distance learning" means the acquisition of theory-based knowledge and non-hands-on skills through information and education: [provided without the teacher being physically present with the student, massage apprentice, or massage assistant in training, using various technologies to facilitate communication such as internet and audio or visual recordings.]~~
 - (a) that is provided without the teacher being physically present with the student, massage apprentice, or massage assistant in training; and
 - (b) using various technologies to facilitate communication such as internet and audio or visual recordings.
- ~~[(6)9] "FSMTB" means the Federation of State Massage Therapy Boards.~~
- (10) (a) "Fully clothed" as used in Subsection 58-47b-501.1(4)(a) means the licensee is wearing:
 - (i) outer garments including a shirt and shorts or pants that:
 - (A) cover the genitals, pubic area, buttocks, and breasts; and
 - (B) are nontransparent including:
 - (I) scrubs; or
 - (II) business casual wear; and
 - (ii) shoes unless specific to the modality.
- (b) "Fully clothed" as used in Subsection 58-47b-501.1(4)(a) does not include wearing one of the following as an outer garment:
 - (i) lingerie;
 - (ii) a bikini or similar; or
 - (iii) swimwear, unless:

- (A) it is specific to the modality including aquatic therapy; and
(B) it meets the requirements of Subsection ~~(10)(a)(i)(A)~~ and (B).
- ~~(7)~~11 "Hands-on instruction" means ~~[direct experience with or application of the education or training in a school of massage therapy, massage apprenticeship curriculum, or massage assistant-in-training curriculum.]~~ instruction in a massage school, massage apprentice curriculum, or massage assistant-in-training curriculum when:
- (a) the instructor and trainee are both physically present in the same room at the same time; and
 - (b) the trainee participates in direct experience with application of the education or training.
- (12) "Indirect supervision" is defined in accordance with R156-1-102a.
- (13) "Intake form" as used in Subsection 58-47b-306(1) means a form that meets the requirements of Section R156-47b-306.
- ~~(8)~~14 "Lymphatic massage" means a method using light pressure applied by the hands to the skin in specific maneuvers to promote drainage of lymphatic fluid from the tissue.
- ~~(9)~~15 "Manipulation" as used in Subsections 58-47b-102~~(9)~~2(a)~~[(i) and 58-47b-102(10)(b),]~~ means contact with movement~~;~~ that involves~~ing~~ touching the clothed or unclothed body.
- ~~(10)~~16 "Massage client services" means practicing on the public the techniques and skills being learned as a massage apprentice or massage assistant-in-training, while under the supervision of a ~~[supervising massage therapist pursuant to Subsection 58-47b-302(3)(d) and Section R156-47b-302c or Subsection 58-47b-302(4)(b)(ii)(B) and Section R156-47b-302d]~~ massage therapy supervisor.
- (17) "Massage safety permit educational module" means the educational module described in Subsections 58-47b-302(5)(d) and (7)(f) that meets the requirements of Section R156-47b-302g.
- (18) "MBLEx" means the FSMTB Massage and Bodywork Licensing Exam.
- (19) "Operating hours" as used in Subsection R156-47b-601(4) means any time the massage establishment is in use.
- ~~(11)~~20 "Recognized school" means a massage school located in another state, district, or territory of the United States, whose students upon graduation are recognized by that jurisdiction as having completed the educational requirements for licensure in that jurisdiction.
- ~~(12)~~21 "Registered school" means a massage school~~[-of massage]~~ with a curriculum that is registered with an accrediting agency or with the Utah Department of Commerce, Division of Consumer Protection, in accordance with Subsection R156-47b-302(1).
- ~~(13)~~22 "Subacute injury" ~~[under]~~as used in Subsections 58-47b-102~~(9)(b))~~(13)(g) and R156-47b-306 means an injury that:
- (a) happened less than eight weeks ago and is beyond an acute injury stage, but the tissue becomes sensitive to pain when there is tissue resistance; and
 - (b) is managed uniquely compared to more chronic or persistent issues.
- ~~(14)~~23 "Unprofessional conduct" is further defined, in accordance with Subsection 58-1-203(1)(e) and Section 58-47b-502, in Section R156-47b-502.

R156-47b-202. Massage Therapy Education Peer Committee.

- (1) ~~[There is created a]~~Under Subsection 58-1-203(1)(f), the Division in collaboration with the Board establishes the Massage Therapy Education Peer Committee~~;~~ consisting of:
- (a) ~~[two individuals-]~~four licensed massage therapists who have experience:
 - (i) ~~[are]~~as an instructor~~[s]~~ in massage therapy at a registered school; ~~[and]~~
 - (ii) ~~[have experience-]~~in curriculum development; or
 - (iii) as a massage apprentice supervisor; and
 - ~~[(b) one individual who represents a professional massage therapy association;]~~

~~[(e)]b~~ one individual who previously served as a member of the Board as a licensed
massage therapist.~~[-and]~~
~~[(d) one individual who is a licensed massage therapist.]~~

(2) The Board may recommend an individual qualified under Subsection (1) for appointment to the Massage Therapy Education Peer Committee if the number of committee applicants exceeds the number of open seats on the committee.

~~[(2)]3~~ The Massage Therapy Education Peer Committee shall:

- (a) advise the Board regarding massage therapy educational issues;
- (b) recommend to the Board standards for massage school curricula, apprenticeship curricula, massage assistant-in-training curricula, and animal massage training; and
- (c) periodically review the current curriculum requirements.

R156-47b-302. Qualifications for Licensure as a Massage Therapist - Massage School Curriculum Standards.

(1) Under Subsection 58-47b-302~~[(2)(d)(i)(A)](4)(a)(i)(A)~~, an applicant shall graduate from a
[school of] massage school with a curriculum that meets the ~~[following standards at the time of~~
~~graduation:]~~requirements of this section when the applicant graduated.

~~[(1)]2~~ [Curricula]The massage school's curriculum shall be:

- (a) ~~[be]~~registered with:
 - (i) the ~~[Utah Department of Commerce,]~~Division of Consumer Protectionof the
Utah Department of Commerce; or
 - (ii) an accrediting agency; or
- (b) ~~[be]~~from a recognized schoolas defined in Subsection R156-47b-102(17); or
(c) recommended by the Massage Therapy Education Peer Committee and approved by
the Board.

~~[(2)]3~~ [Curricula]The massage school's curriculum shall ~~[be a minimum of]~~include at least 600
hours ~~[and shall include]~~covering the following:

- ~~[(a) anatomy, physiology and kinesiology—125 hours;~~
- ~~(b) pathology—40 hours;~~
- ~~(c) massage theory, massage techniques including the five basic Swedish massage strokes, and hands-on instruction—285 hours;~~
- ~~(d) professional standards, ethics and business practices—35 hours;~~
- ~~(e) sanitation and universal precautions including CPR and first aid—15 hours;~~
- ~~(f) clinic—100 hours; and~~
- ~~(g) other related massage subjects as approved by the Division in collaboration with the Board.]~~

TABLE
Massage School Curriculum

<u>Row</u>	<u>Area</u>	<u>Hours</u>
<u>(1)</u>	<u>anatomy, physiology, and kinesiology</u>	<u>125 hours</u>
<u>(2)</u>	<u>pathology</u>	<u>40 hours</u>
<u>(3)</u>	<u>massage theory, massage techniques including the five basic Swedish massage strokes, and hands-on instruction</u>	<u>285 hours</u>
<u>(4)</u>	<u>professional standards, ethics, and business practices</u>	<u>35 hours</u>
<u>(5)</u>	<u>sanitation and universal precautions including CPR and first aid</u>	<u>15 hours</u>
<u>(6)</u>	<u>clinic</u>	<u>100 hours</u>
<u>(7)</u>	<u>other related massage subjects as approved by the Division in collaboration with</u>	<u>No specific</u>

the Board.

hour
requirement

(~~3~~)⁴ The Division, in collaboration with the Board, may consider supplemental coursework of an applicant who has completed the minimum 600 curricula hours, but has incidental deficiencies in one or more of the categories in Subsection ~~[s]~~ R156-47b-302(~~2~~)³(~~a~~ through ~~f~~).

(5) An applicant may not accumulate more than 80 curricula hours within any two week period.

R156-47b-302a. Qualifications for Licensure as a Massage Therapist - Equivalent Education and Training.

- (1) Under Subsections ~~[58-47b-302(2)(d)(i)(B)]~~ 58-47b-302(4)(a) and 58-47b-302(7)(d), an applicant shall demonstrate equivalent education and training by submitting documentation of:
- (a) a massage therapist license issued by another state, district, or territory of the United States or by a jurisdiction outside of the United States that meets the requirements for licensure by endorsement in Section 58-1-302; or
 - (b) for an applicant for licensure by endorsement under Subsection 58-1-302(3)(b) with education and training in a jurisdiction outside of the United States, a credential evaluation satisfactory to the Division from an evaluation service that is a current member of the National Association of Credential Evaluation Services (NACES).
- (2) Under Subsection 58-47b-302(~~2~~)⁴, an applicant for licensure as a massage therapist may not:
- (a) satisfy any of the required minimum 600 hours of school instruction under Subsection 58-47b-302(~~2~~)⁴(~~d~~)^a(i) and Section R156-47b-302 by using:
 - (i) hours of supervised training as a massage apprentice under Subsections 58-47b-302(~~2~~)⁴(~~ii~~)⁴(a)(iii) and R156-47b-302c(~~5~~); or
 - (ii) hours of education and training as a massage assistant-in-training under Subsection 58-47b-302(~~4~~)²(b)(i)(~~B~~) and Section R156-47b-302d; or
 - (b) satisfy any of the required minimum 1,000 hours of supervised training as a massage apprentice under Subsections 58-47b-302(~~2~~)⁴(~~ii~~)⁴(a)(iii) and R156-47b-302c(~~5~~) by using:
 - (i) hours of school instruction under Subsection 58-47b-302(~~2~~)⁴(~~ii~~)⁴(a) and Section R156-47b-302;
 - (ii) hours of school instruction under Subsection 58-47b-302(~~4~~)²(~~b~~)^a(i)(~~A~~) or (ii)(~~A~~); or
 - (iii) hours of supervised education and training obtained while licensed as a massage assistant-in-training under Subsection 58-47b-302(~~4~~)²(b)(i)(~~B~~) or (ii)(~~B~~).

~~R156-47b-302b. Qualifications for Licensure – Examination Requirements.~~

- ~~(1) Under Subsection 58-47b-302(2)(e), an applicant for licensure as a massage therapist shall pass:~~
- ~~(a) the FSMTB Massage and Bodywork Licensing Examination (MBLEx); or~~
 - ~~(b) a predecessor exam, if the exam was passed during the time the exam was accepted by the Division.~~
- ~~(2) Under Subsection 58-47b-302(3)(e), an applicant for licensure as a massage apprentice shall pass the Utah Massage Therapy Law and Rule Examination.~~
- ~~(3) Under Subsections 58-47b-302[(4)(a)(vi)], an applicant for licensure as a massage assistant shall pass the Utah Massage Assistant Theory, Law, and Rule Examination.]~~

R156-47b-302[e]b. Massage Apprenticeship Program Standards.

(1) Under Subsections ~~[58-47b-302(2)(d)(ii) and]~~ 58-47b-302(3)~~[(d)],~~ 4(a)(iii), and (7)(e), the ~~[following]~~ standards ~~[are established]~~ for a massage apprenticeship program~~[:]~~ are established in this section.

(2) (a) An applicant for a massage apprentice license shall submit with their application for Division review and approval under Section R156-47b-302e:

(i) the first name, last name, and license number of the applicant's proposed massage therapy supervisor;

(ii) an outline of the Division-approved massage apprenticeship curriculum and the resources the applicant will use; and

(iii) a written approval from the owner of the approved massage apprentice curriculum verifying that the applicant may use the curriculum.

~~[(4)]~~ b) An applicant may begin a massage apprenticeship with the massage therapy supervisor ~~[supervising massage therapist and massage apprentice may begin an apprenticeship program]~~ after:

~~[(a)i]~~ ~~[the massage apprentice is licensed]~~ the Division has licensed the applicant as a massage apprentice; and

~~[(b) the supervising massage therapist is approved by the Division]; and]~~

~~[(e)ii]~~ unless otherwise approved by the Division in collaboration with the Board, each of the ~~[supervising massage therapist]~~ massage therapy supervisor's previous massage apprentices have~~[s]~~ passed the ~~[FSMTB]~~ MBLEx.

(3) The massage apprentice shall follow the submitted massage apprenticeship curriculum and use the resource materials.

~~(2) A massage therapist may not serve as a supervising massage therapist if the massage therapist has been disciplined for unlawful or unprofessional conduct within five years of the start of the apprenticeship program.]~~

~~(3) [Under Subsection 58-47b-302(6)(a), unless otherwise approved by the Division in collaboration with the Board:~~

~~(a) a supervising massage therapist shall serve as the sole supervisor for their massage apprentice, and may not allow another massage therapist to also supervise that massage apprentice; and~~

~~(b) a massage therapist may not supervise a massage apprentice who is under the supervision of another massage therapist.~~

(4) The ~~[supervising massage therapist]~~ massage therapy supervisor shall train the massage apprentice in the following areas: ~~[of:~~

~~(a) anatomy, physiology and kinesiology—125 hours;~~

~~(b) pathology—40 hours;~~

~~(c) massage theory—50 hours;~~

~~(d) massage techniques including the five basic Swedish massage strokes—120 hours;~~

~~(e) massage client services—300 hours;~~

~~(f) hands-on instruction—310 hours;~~

~~(g) professional standards, ethics and business practices—40 hours; and~~

~~(h) sanitation and universal precautions including CPR and first aid—15 hours.]~~

TABLE
Apprenticeship Training Areas

Row	Area	Hours Required
-----	------	----------------

(1)	<u>anatomy, physiology, and kinesiology</u>	<u>125 hours</u>
(2)	<u>pathology</u>	<u>40 hours</u>
(3)	<u>massage theory</u>	<u>50 hours;</u>
(4)	<u>massage techniques including the five basic Swedish massage strokes</u>	<u>120 hours</u>
(5)	<u>massage client services</u>	<u>300 hours</u>
(6)	<u>hands-on instruction</u>	<u>310 hours</u>
(7)	<u>professional standards, ethics, and business practices</u>	<u>40 hours</u>
(8)	<u>sanitation and universal precautions including CPR and first aid</u>	<u>15 hours</u>

(5) Training hours accumulated without a massage apprentice license may not be counted unless approved by the Division in collaboration with the Board.

~~[(5) —(a) The supervising massage therapist shall submit with the massage apprentice's application a curriculum content outline that includes a list of the resource materials to be used, which has been preapproved by the Division.
(b) The massage apprentice shall follow the submitted Division approved curriculum content outline.]~~

(6) The list of massage apprenticeship programs approved by the Division in collaboration with the Board are listed on the Division's website at <https://dopl.utah.gov/massage-therapy>.

~~[(6) The supervising massage therapist and massage apprentice shall:~~

~~(a) display a conspicuous sign near the massage apprentice's workstation stating "Apprentice in Training";~~

~~(b) keep a daily record that includes:~~

~~(i) the number of hours of training completed; and~~

~~(ii) the number of hours of massage client services performed;~~

~~(c) make the massage apprentice's training records available to the Division immediately upon request;~~

~~(d) verify the completion of the apprenticeship [program] on forms available from the Division;~~

~~(e) if the apprenticeship [program] is terminated, notify the Division within ten working days on a Notice of Disassociation form available from the Division; and~~

~~(f) ensure that the massage apprentice: [performs the massage client services in Subsection (4)(e) only on the public, and performs the other hands-on instruction or practice on a massage apprentice or the supervising massage therapist.]~~

(7) [A] Under Subsection 58-47b-302(3), a massage apprentice shall perform massage client services under at least the indirect supervision of a massage therapy supervisor, as defined in Subsection R156-1-102a(1)(b). [shall provide direct supervision] under Subsection 58-47b-302(3)(d) for a massage apprentice performing massage client services by:

~~(i) giving prior written or verbal instructions to the massage apprentice;~~

~~(ii) being present in the facility where the massage apprentice is performing the massage client services; and~~

~~(iii) being available to provide immediate face-to-face communication with the massage apprentice as necessary.~~

~~(b) The supervision massage therapist may, but need not be, present in the room where the massage apprentice is performing massage client services on the public client.~~

(8) If a massage apprentice fails the [FSMTB-]MBLEx three times and requests to retake the exam:

~~[(a) the supervising massage therapist shall:~~

- ~~(i) [with the massage apprentice, meet with] appear before the Board [at the next appropriate Board meeting;] to explain why the massage apprentice has not passed the exam; and~~
~~[(ii) explain to the Board why the massage apprentice cannot pass the examination; and]~~
~~(ii[i]) provide to the Board a plan of study in the appropriate subject matter to [assist] address deficiencies in the massage apprentice's education and training to [in] pass[ing] the exam[ination]; and]~~
- (a) the massage apprentice shall:
- (i) submit to the Board a written statement outlining the massage apprentice's:
- (A) core barriers to successful completion of the exam;
- (B) plan for overcoming the core barriers, with goals in a specific, measurable, achievable, relevant, and time-bound (SMART) format; and
- (C) timeline for achieving the plan;
- (ii) appear before the Board and develop with the Board a plan of study in the appropriate subject matter; and
- (iii) complete the plan of study to the satisfaction of the Board; and
- ~~[(b) if the Division and Board approve, the massage apprentice shall again be eligible to take the FSMTB-]~~
- (b) the Division in collaboration with the Board shall review the massage apprentice's application to determine whether to provide approval for the massage apprentice to retake the exam.
- (9) A licensed or formerly licensed massage apprentice who has failed the MBLEx may not use their supervised training as a massage apprentice to apply for a massage assistant license unless the applicant has received prior approval from the Division in collaboration with the Board.

R156-47b-302c. Qualifications for Licensure as a Massage Assistant - Massage School Education and Training Standards.

- (1) Under Subsections 58-47b-302(2)(a)(i) and (ii) and (7)(c), an applicant shall graduate from a massage school with a curriculum that meets the requirements of this section when the applicant graduated.
- (2) The massage school's curriculum shall be:
- (a) registered with:
- (i) the Division of Consumer Protection of the Utah Department of Commerce; or
- (ii) an accrediting agency; or
- (b) from a recognized school as defined in Subsection R156-47b-102(17); or
- (c) recommended by the Massage Therapy Education Peer Committee and approved by the Board.
- (3) The massage school's curriculum shall include at least 300 hours covering the following:

<u>TABLE</u>		
<u>Massage School Curriculum</u>		
<u>Row</u>	<u>Area</u>	<u>Hours</u>
<u>(1)</u>	<u>anatomy, physiology, and kinesiology</u>	<u>62.5 hours</u>
<u>(2)</u>	<u>pathology</u>	<u>20 hours</u>
<u>(3)</u>	<u>massage theory, massage techniques including the five basic Swedish massage strokes, and hands-on instruction</u>	<u>142.5 hours</u>
<u>(4)</u>	<u>professional standards, ethics, and business practices</u>	<u>17.5 hours</u>
<u>(5)</u>	<u>sanitation and universal precautions including CPR and first aid</u>	<u>7.5 hours</u>

(6)	<u>clinic</u>	<u>50 hours</u>
(7)	<u>other related massage subjects as approved by the Division in collaboration with the Board.</u>	<u>No specific hour requirement</u>

(4) The Division, in collaboration with the Board, may consider supplemental coursework of an applicant who has completed the minimum 300 curricula hours, but has incidental deficiencies in one or more of the categories in Subsection R156-47b-302c(3).

(5) An applicant may not accumulate more than 80 curriculum hours within any two week period.

R156-47b-302d. Qualifications for Licensure as a ~~Massage Assistant[-In-Training]~~ - Massage Assistant-In-Training Application and Education and Training Standards.

(1) Under Subsections 58-47b-302~~[(4)(a)(iv)]~~(1), 58-47b-302~~[(4)(b)]~~(2)(b)(i), and 58-47b-302~~[(5)(d)]~~(7)(b), the ~~[following]~~ standards ~~[are established]~~ are established in this section.

~~[(1) Under Subsections 58-47b-102(6), 58-47b-302(5)(d), and 58-47b-501(1)(a), a massage assistant-in-training may engage in the supervised practice of limited massage therapy as defined in Subsection 58-47b-102(9), but may not engage in the practice of massage therapy as defined in Subsection 58-47b-102(10).]~~

(2) ~~[A supervision massage therapist and a massage assistant in training may begin their education and training program after:~~

~~(a) the supervision massage therapist has submitted with the massage assistant in-training's license application the curriculum content outline and list of resource materials to be used;~~

~~(b) the massage assistant in training is licensed as a massage assistant in training; and~~

~~(c) the Division has approved the supervising massage therapist.]~~

(a) An applicant for a massage assistant-in-training license shall submit:

(i) the first name, last name, and license number of the applicant's proposed massage therapy supervisor to the Division for approval under Section R156-47b-302f;

(ii) an outline of the Division-approved massage assistant-in-training curriculum program and resources the applicant will use; and

(iii) a written approval from the owner of the approved massage assistant-in-training curriculum verifying that the applicant may use the curriculum;

(b) An applicant may begin their massage assistant-in-training program with the massage therapy supervisor after:

(i) the Division has licensed the applicant as a massage assistant-in-training; and

(ii) the Division has approved the applicant's proposed massage therapy supervisor.

(c) The ~~[supervising massage therapist and]~~ massage assistant-in-training shall follow the submitted curriculum content outline and use the resource materials.

~~[(3) A massage therapist may not serve as a supervising massage therapist if:~~

~~(a) the massage therapist's license has been disciplined for unlawful or unprofessional conduct within five years of the start of the massage assistant in training education and training program; or~~

~~(b) unless otherwise approved by the Division in collaboration with the Board, one or more of the supervising massage therapist's previous massage assistants in training has not passed the Utah Massage assistant Theory, Law, and Rule Examination.]~~

(~~[4]~~3) Under Subsection 58-47b-302(~~(4)(b)~~)(2)(b)(i), a ~~[supervising massage therapist shall train the]~~ massage assistant-in-training shall complete [for a total of] at least 300 hours of education and training as follows:

~~[(a) under Subsection 58-47b-302(4)(b)(i)(B), at least 150 hours of education and training under the direct supervision of the supervising massage therapist, by face-to-face instruction in the following areas while the supervising massage therapist and massage assistant-in-training are present in the same room:~~

- ~~(i) anatomy and physiology—40 hours;~~
- ~~(ii) pathology—20 hours;~~
- ~~(iii) massage theory—10 hours;~~
- ~~(iv) massage techniques including the five basic Swedish massage strokes—40 hours;~~
- ~~(v) hands-on instruction in the areas in Subsections 58-47b-102(9)(a)(ii) through~~
- ~~(vi)—30 hours;~~
- ~~(vi) professional standards, ethics, and business practices—5 hours;~~
- ~~(vii) sanitation and universal precautions, including CPR and first aid—5 hours;~~
- ~~and]~~

(a) under Subsection 58-47b-302(2)(b)(i)(A), at least 150 hours of education and training under the direct supervision of the massage therapy supervisor that meets the following requirements:

TABLE		
Education Areas and Hours		
Row	Education Area	Hours Required
(1)	<u>anatomy, physiology, and kinesiology</u>	<u>40 hours</u>
(2)	<u>pathology</u>	<u>20 hours</u>
(3)	<u>massage theory</u>	<u>10 hours</u>
(4)	<u>massage techniques including the five basic Swedish massage strokes</u>	<u>40 hours</u>
(5)	<u>hands-on instruction</u>	<u>30 hours</u>
(6)	<u>professional standards, ethics and business practices</u>	<u>5 hours</u>
(7)	<u>sanitation and universal precautions including CPR and first aid</u>	<u>5 hours</u>

(b) under Subsection 58-47b-302(~~(4)(b)(ii)(B)~~)(2)(b)(i)(B), at least 150 hours of education and training: ~~[under the indirect supervision of the supervising massage therapist, by the massage assistant in training performing at least 150 hours of massage client services on the public while the supervising massage therapist:~~

- ~~(i) has given prior written or verbal instructions to the massage assistant in training;~~
- ~~(ii) is present in the facility where the massage assistant in training is performing the massage client services, and may, but need not be, present in the room where the massage assistant in training is performing the massage client services; and~~
- ~~(iii) is available to provide immediate face-to-face communication with the massage assistant in training as necessary.]~~
- (i) performing massage client services within the scope of limited massage therapy;
- (ii) under at least the indirect supervision of the massage therapy supervisor as defined in R156-1-102a(1)(b); and

(iii) following the massage therapy supervisor's written or verbal instructions for each client.

~~[(1) Under Subsections 58-47b-102(6), 58-47b-302(5)(d), and 58-47b-501(1)(a), a massage assistant-in-training; may engage in the supervised practice of limited massage therapy as defined in Subsection 58-47b-102(9), but may not engage in the practice of massage therapy as defined in Subsection 58-47b-102(10).]~~

~~[(5) The massage assistant-in-training shall follow the curriculum content outline and use the resource materials as submitted by their supervising massage therapist.~~

~~(6) Under Subsection 58-47b-302(6)(a), unless otherwise approved by the Division in collaboration with the Board:~~

~~(a) a supervising massage therapist shall serve as the sole supervisor for their massage assistant-in-training, and may not allow another massage therapist to supervise that massage assistant-in-training; and~~

~~(b) a massage therapist may not supervise a massage assistant-in-training who is under the supervision of another massage therapist.]~~

~~[(7) A supervising massage therapist and massage assistant-in-training shall:~~

~~(a) under Section 58-47b-306, display a conspicuous sign near the workstation stating "Massage assistant-in-training";~~

~~(b) keep a daily record that includes:~~

~~—— (i) the number of hours of education and training completed; and~~

~~—— (ii) the number of hours of massage client services performed;~~

~~(c) make massage assistant-in-training education and training and work history records available to the Division upon request;~~

~~(d) verify the massage assistant-in-training's completion of their education and training on a form available from the Division;~~

~~(e) if the massage assistant-in-training program is terminated, notify the Division within ten working days on a Notice of Disassociation form available from the Division; and~~

~~(f) ensure that the massage assistant-in-training performs massage client services only on the public, and performs the other hands-on instruction or practice on a massage assistant-in-training, a massage assistant, or the supervising massage therapist.]~~

~~[(8)4] If a massage assistant-in-training fails the Utah Massage Assistant Theory, Law, and Rule Exam[ination] three times and requests to retake the exam:~~

~~[(a) the supervising massage therapist shall:~~

~~(i) [with the massage assistant-in-training, meet with]appear before the Board [at the next appropriate meeting] to explain why the massage assistant-in-training has not passed the exam; and~~

~~[(ii) explain to the Board why the massage assistant-in-training cannot pass the examination; and]~~

~~[(ii[i]) provide to the Board a plan of study in the appropriate subject matter to [help]address deficiencies in the massage assistant-in-training's education and training to pass the exam[ination]; and]~~

(a) the massage assistant-in-training shall:

(i) submit to the Board a written statement outlining the massage assistant-in-training's:

(A) core barriers to successful completion of the exam;

(B) plan for overcoming the core barriers, with goals in a specific, measurable, achievable, relevant, and time-bound (SMART) format; and

(C) timeline for achieving the plan;

(ii) appear before the Board and develop with the Board a plan of study in appropriate subject matter; and

- (iii) complete the plan of study to the satisfaction of the Board; and
~~[(b) if the Division and Board approve, the massage assistant in training shall again be eligible to take the Utah Massage assistant Theory, Law, and Rule Examination.]~~
(b) the Division in collaboration with the Board shall review the massage assistant-in-training's application to determine whether to provide approval for the massage assistant-in-training to retake the exam.

R156-47b-302e. Massage Assistant Practice Standards.

- (1) Under Subsections 58-47b-102([5]9)[, 58-47b-302(4)(a)(v);] and Section 58-47b-301, the [following] practice standards [are established for practice as] for a massage assistant[:] are established in this section.
~~[(1)2] Under Subsection 58-47b-[501(1)(a)]301(5)(a)(ii), a massage assistant:[may engage in the supervised practice of limited massage therapy as defined in Subsection 58-47b-102(9), but may not engage in the practice of massage therapy as defined in Subsection 58-47b-102(10).]~~
(a) may perform limited massage therapy as defined in Subsection 58-47b-102(7); and
(b) may not perform[practice of] massage therapy as defined in Subsection 58-47b-102(13).
~~[(2) An individual may not serve as a massage therapy supervisor for a massage assistant if the individual's professional license under Title 58, Occupations and Professions, or professional license in any other jurisdiction, has been disciplined for unlawful or unprofessional conduct within five years of the start of the supervision.~~
~~(3) Under Subsection 58-47b-[302(6)(b)]301(5)(a)(i), [when] a massage assistant [is engaging in the practice of] performing limited massage therapy under supervision [, the massage assistant may]shall be supervised by only one massage therapy supervisor at a time. [-This does not prohibit t] The massage assistant [from having]may have different massage therapy supervisors at different times.~~
~~[(4) Under Subsection 58-47b-306(2), the massage therapy supervisor and massage assistant shall display a conspicuous sign near the massage assistant's workstation stating "Massage Assistant".~~
~~(5) A massage therapy supervisor shall make the massage therapy supervisor's and the massage assistant's employment records available to the Division upon request, such as personnel records, payroll records, independent contractor and 1099 records, supervision records, work contracts, performance reviews, disciplinary actions, and work history records showing dates, times, and locations of practice.]~~
(4) Under Subsection 58-47b-301(5)(a)(ii), the 300 hours of indirect supervision may include hours performed as supervised massage client services under Subsections 58-47b-302(2)(a)(i) and R156-47b-302c(), or Subsections 58-47b-302(2)(b)(i) and R156-47b-302d(3)(b).
~~[(6)5] A massage assistant shall make the massage assistant's employment records available to the Division upon request, such as payroll records, independent contractor and 1099 records, supervision records, work contracts, and work history records showing dates, times and locations of practice.~~

R156-47b-302f. Massage Therapy Supervisor Standards.

- (1) Under Subsections 58-47b-102(14) and 58-47b-301(6), the supervisor standards for a massage therapy supervisor are established in this section.
(2) A massage therapist may not serve as a massage therapy supervisor if, within the five years immediately preceding the submission of the proposed supervisee's application for licensure:

- (a) a license held by the massage therapist, in any regulated profession and in any jurisdiction, is under investigation or has been disciplined for unlawful or unprofessional conduct, or has been surrendered as described in Subsection R156-1-501(1); or
- (b) unless otherwise approved by the Division in collaboration with the Board, three or more of the massage therapy supervisor's supervisees has taken and not passed a required exam.

(3) Unless otherwise approved by the Division in collaboration with the Board, a massage therapy supervisor:

- (a) shall serve as the sole supervisor for the supervisee;
- (b) may not allow another massage therapist to supervise the supervisee;
- (c) may not supervise a supervisee who is under the supervision of another massage therapy supervisor;
- (d) shall ensure the supervisee is properly licensed; and
- (e) may not allow a supervisee to accumulate hours without being properly licensed.

(4) A massage therapy supervisor for:

- (a) a massage apprentice shall display a conspicuous sign near the apprentice's workstation stating "Massage apprentice";
- (b) a massage assistant-in-training shall display a conspicuous sign near the assistant-in-training's workstation stating "Massage assistant-in-training"; and
- (c) a massage assistant shall display a conspicuous sign near the massage assistant's workstation stating "Massage assistant".

(5) A massage therapy supervisor shall:

- (a) follow the curriculum content outline and use the resource materials that have been submitted to and approved by the Division for that supervisee;
- (b) advise, direct, and instruct the supervised licensee in education, training, and behavior that follows the generally accepted and recognized standards and ethics of the massage therapy profession, including those in the Utah Chapter of the American Massage Therapy Association Utah Code of Ethics and Standards of Practice, ~~edition~~, which is incorporated by reference;
- (c) keep a daily record that includes:
 - ~~[(a)]~~ i) the number of hours of education and training completed; and
 - ~~[(b)]~~ ii) the number of hours of massage client services performed;
- (d) make the trainee's education, ~~[and]~~ training, and employment records available to the Division upon request;
- (e) verify the completion of the trainee's education and training on a form available from the Division;
- (f) if the supervisor-trainee relationship is terminated, notify the Division within ten working days on a Notice of Disassociation form available from the Division at <https://dopl.ut.gov/massage-therapy/>; and
- (g) ensure that the trainee performs massage client services only on the public and performs the other hands-on instruction or practice on a massage assistant in-training, massage assistant, massage apprentice, massage therapist, or the massage therapy supervisor.

(6) If a supervisee fails a required exam three times the massage therapy supervisor shall:

- ~~[(i)]~~ a) ~~[with the massage apprentice, meet with]~~ appear before the Board ~~[at the next appropriate Board meeting;]~~ to explain why the supervisee has not passed the exam; and
- ~~[(ii)] explain to the Board why the massage apprentice cannot pass the examination; and]~~

(~~iii~~)b) provide to the Board a plan of study in the appropriate subject matter to
[assist]address deficiencies in the supervisee's education and training to
[in]pass[ing] the exam[ination; and].

R156-47b-302g. Qualifications for Licensure - Exam Requirements.

(1) Under Subsection 58-47b-302(4)(b) and (7)(a), an applicant for licensure as a massage therapist shall pass:

(a) the MBLEx; or

(b) a predecessor exam, if the exam was passed during the time the exam was accepted by the Division.

(2) Under Subsections 58-47b-302(2)(a)(iii), (2)(b)(iii), (2)(c)(ii), and (7)(a), an applicant for licensure as a massage assistant shall pass the Utah Massage Assistant Theory, Law, and Rule Exam.

R156-47b-302h. Massage Safety Permit Educational Module - Training on Topics.

The topics described in **TABLE #** in this section:

(1) are the required subject matter for the massage safety permit educational module under Subsections 58-47b-302(5)(d) and (7)(f); and

(2) are the topics on which an applicant shall complete training in accordance with Subsections 58-47b-302(2)(a)(ii), (2)(b)(ii), and (4)(a)(i)(B), (ii)(B), and (iii)(B).

TABLE #
Educational Module

<u>Row</u>	<u>Topic</u>	<u>Subtopic</u>	<u>Hours Required</u>
<u>(1)</u>	<u>Universal standard precautions</u>	<u>client and therapist safety; legal and ethical responsibilities; sanitation; insurance; communication</u>	<u>2 hours</u>
<u>(2)</u>	<u>Taking a medical history and intake</u>	<u>identifying basic contraindications; pathology; presenting conditions and primary concerns; known allergies, sensitivities, and conditions; systems review; record retention</u>	<u>4 hours</u>
<u>(3)</u>	<u>Practicing physical boundaries and professional boundaries</u>	<u>proper draping techniques; respect for personal space; inappropriate touch; consent and informed consent; confidentiality and privacy; appropriate client-therapist relationship; personal disclosure; avoiding a dual relationship, romantic or sexual advance, giving or receiving a gift; and out-of-office contact</u>	<u>4 hours</u>

R156-47b-302.2a. Qualifications for Registration as a Massage Establishment - Application.

(1) Under Subsection 58-47b-302.2(2)(c)(iii), an applicant for registration of a massage establishment shall include with the application a signed attestation by the owner that the massage establishment's physical facilities comply with the requirements of Section R156-47b-302.2 at the time the application is submitted.

(2) Under Subsection 58-47b-302.2(2), upon request by the Division an applicant for registration as a massage establishment shall assist the Division to confirm the accuracy or completeness of any information and documentation in the registration application and to verify compliance with the applicable provisions of Title 58, Chapter 47b, Massage Therapy Practice Act, which assistance may include:

(a) providing to the Division accurate and complete records of massage establishment ownership and operations, including advertising, employment and work history, payroll, supervision agreements, or documentation showing ownership or right to possession of the premises;

(b) providing to the Division any of the information described in Subsection R156-47b-302.2c; or

(c) consenting to and completing an inspection under Section R156-47b-601.

R156-47b-302.2b. Qualifications for Registration as a Massage Establishment - Facility Requirements.

(1) Under Subsection 58-47b-302.2(2)(c)(iii), the facility requirements for a massage establishment are established in this section.

(2) A massage establishment shall:

(a) under Subsection 58-47b-502.1(2), follow applicable state and local health and sanitation codes and requirements, including under Title 26B, Chapter 7, Public Health and Prevention;

(b) provide each client with a private space to disrobe as necessary;

(c) provide a private space for each client to receive massage services, except if the client has consented in writing to receiving massage services in a nonprivate setting, such as for couples massage and event work; and

(d) display prominently the Division resources and information required under Subsections 58-47b-306.1(1)(c) and (3)(b), by posting in the entryway reception area and each restroom of the massage establishment the Division's Massage Disclosure form, available at <https://>, which describes:

(i) methods for reporting complaints to the Division, including by phone and through the Division's online complaint form at <https://dopl.utah.gov/file-a-complaint>;

(ii) a client's right to request the licensee's first name and last initial and license type;

(iii) methods for contacting local law enforcement about concerns;

(iv) resources for identifying and reporting suspected human trafficking; and

(v) resources available to potential victims of human trafficking.

(3) A massage establishment may not:

(a) place or allow a camera or other recording device in a practice room, restroom, or other location where an individual disrobes;

(b) place or allow a camera or other recording device in a location where an individual receives massage services, unless:

(i) the recording is solely for an educational or marketing purpose; and

(ii) the individual has given signed consent to the recording in a form separate from the intake form; or

(c) install or operate an automated teller machine (ATM) in the massage establishment.

R156-47b-302.2c. Qualifications for Registration - Maintenance - Proof of Continuing Right of Possession.

(1) Under Subsections 58-47b-301.1(5), 58-47b-302.2, 58-47b-502.1(1), or 58-47b-601(4) and (5), a massage establishment shall maintain, and provide to the Division upon request, an accurate record of current employees and personnel that includes:

- (a) first and last name;
- (b) license classification, if any;
- (c) license number, if any;
- (d) license expiration date, if any; and
- (e) recent color photograph of the individual's face; and

(2) Under Subsection 58-47b-301.1(5), a massage establishment shall maintain, and provide to the Division upon request, accurate documentation of the massage establishment's current employment agreements or contract relationships; and

(3) Under Subsections 58-47b-302.2(2), (3), or (5), 58-47b-301.1(6), (7), or (8), 58-47b-401.1, 58-47b-504, or 58-47b-601(4) or (5), a massage establishment shall maintain, and provide to the Division upon request, an accurate record of the massage establishment's ownership and organizational structure, including the lines of authority and the delegation of responsibility and identifying each individual for whom a background check is required under Subsection 58-47b-302.2(3).

R156-47b-303. Renewal Cycle - Procedures - Individual.

(1) Under Subsections 58-47b-303(1) and 58-1-308(1)(a), the renewal date for the two-year renewal cycle for ~~[licensees]~~ a massage therapist or a massage assistant under Title 58, Chapter 47b, Massage Therapy Practice Act is established in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Sections R156-1-308c through R156-1-308e.
~~[(3) Under Subsection 58-47b-303(3) an expired massage assistant in training license may not be renewed, but the Division in collaboration with the Board may extend the license for a period proportionate to a hardship experienced by the massage assistant in training, if the massage assistant in training presents evidence in writing satisfactory to the Division and Board that:~~

- ~~(a) the circumstance of hardship arose beyond the massage assistant in training's control to prevent the completion of the licensure process; and~~
- ~~(b) the massage assistant in training is on a course reasonably expected to lead to licensure as a massage assistant, such as making reasonable progress toward completing the required hours of education and training and passing the required exam.]~~

R156-47b-303.1. Renewal Cycle - Procedures - Massage Establishment.

(1) Under Section 58-47b-303.1 and Subsection 58-1-308(1)(a), the renewal date for the two-year renewal cycle for a massage establishment's registration under Title 58, Chapter 47b, Massage Therapy Practice Act is established in Section R156-1-308a and is the same as the renewal cycle for a massage therapist or massage assistant under Subsection R156-47b-303(1).

(2) Renewal procedures shall be in accordance with Sections R156-1-308c through R156-1-308e.

~~(3)~~ Under Section 58-47b-301.1(6), a massage establishment's registration expires immediately upon the transfer or assignment, or attempted transfer or assignment, of the registration.

R156-47b-304. Exemptions from Licensure - Individuals.

Under Subsection 58-47b-304(1)(~~h~~o)(i), the industry organizations that are recognized by the Division are listed on the Division's website at <https://dopl.utah.gov/massage-therapy> [~~under Related Information—Resources~~].

R156-47b-306. Client Intake Form Requirements.

(1) Under Subsection 58-47b-306(1)(b), a licensee shall require that each client complete a client intake form before the first session and before each new session, a licensee shall review the most recently completed intake form with the client and confirm all information is current.

(2) Under Subsection 58-47b-306(1)(b), a licensee's client intake form shall include at least the following:

(a) the name of the massage establishment or the sole practitioner;

(b) the date of the session;

(c) the client's:

(i) first and last names;

(ii) birth year;

(iii) contact information;

(iv) emergency contact;

(d) if the client is seeking a massage for a specific health issue;

(e) client's health history including:

(i) each major medical issue;

(ii) each allergy;

(iii) a current acute injury as defined in Subsection R156-47b-102(2);

(iv) a current subacute injury as defined in Subsection R156-47b-102(19); and

(v) if the client is currently under the treatment of a physician;

(f) an explanation of what the client may expect during the session including:

(i) the treatment plan;

(ii) the massage technique;

(iii) the level of massage pressure;

(iv) each focus area on the client's body;

(v) each area to avoid on the client's body;

(vi) draping;

(vii) duration of the session; and

(viii) privacy and confidentiality;

(g) the client's right to:

(i) disrobe in privacy and to the client's comfort level;

(ii) ask questions;

(iii) modify the treatment;

(iv) stop treatment;

(v) report inappropriate conduct to law enforcement or to the Division of Professional Licensing;

(h) the licensee's right to:

(i) immediately terminate the session for a client's inappropriate conduct including:

(A) disrespectful speech or behavior;

(B) harassment;

(C) a sexual advance or request;

(D) alcohol or drug intoxication;

- (ii) report inappropriate conduct to law enforcement or to the Division of Professional Licensing;
- (i) policies regarding:
 - (i) cancellation; and
 - (ii) no show; and
- (j) signed consent to treatment.

R156-47b-502. Unprofessional Conduct~~[.]~~ - Individuals.

Under Section 58-47b-502, "unprofessional conduct" for an individual licensed under Section 58-47b-302 includes:

- (1) engaging in any lewd, indecent, obscene, or unlawful behavior while practicing as:~~[-massage therapist, massage therapy supervisor, massage apprentice, massage assistant, or massage assistant-in-training;]~~
 - (a) a massage therapist;
 - (b) a massage therapy supervisor;
 - (c) a massage apprentice;
 - (d) a massage assistant; or
 - (e) a massage assistant-in-training;
- ~~[(2) under Subsection 58-47b-502(4), failing to properly supervise a massage apprentice, massage assistant, or massage assistant-in-training shall include:~~
 - ~~(a) failing to provide the required direct supervision;~~
 - ~~(b) failing to provide the required indirect supervision; or~~
 - ~~(c) violating Subsection 58-47b-302(6).]~~
- ~~[(3)]~~(2) as a massage apprentice, practicing without ~~[direct supervision]~~the required level of supervision under Subsections 58-47b-302(3) and R156-47b-302b;
- (3) as a massage assistant:
 - ~~[(4) as a massage assistant;]~~(a) practicing without [the required-] indirect supervision under Subsections 58-47b-302(2)(b)(i) and R156-47b-302d; or
 - ~~[(8) as a massage assistant;]~~(b) failing to provide employment records to the Division upon request, including under Subsection R156-47b-302[e(6)]d(5);
- ~~[(5)]~~(4) as a massage assistant-in-training, practicing without ~~[the required-]~~direct or indirect supervision under Subsections 58-47b-302(1) and R156-47b-302c;
- ~~[(6)]~~(5) under Subsection 58-47b-502(4), failing as a massage therapy supervisor to properly supervise a massage apprentice, massage assistant, or massage assistant-in-training [shall including[e]:
 - ~~(a) failing to provide the required direct supervision;~~
 - ~~(b) failing to provide the required indirect supervision; or~~
 - ~~(c) violating Subsection 58-47b-302(6).]~~
- ~~[(7)]~~(5) as a ~~[supervising massage therapist]~~massage therapy supervisor:~~[-failing to provide or to document adequate education and training as required by Title 58, Chapter 47b, Massage Therapy Practice Act or Rule R156-47b;]~~
 - (a) failing to provide or to document the required education and training under Title 58, Chapter 47b, Massage Therapy Practice Act or Rule R156-47b;
- ~~[(7) as a massage therapy supervisor;]~~
 - (b) failing to provide employment records to the Division upon request[,] including under Subsection R156-47b-302[e]d(5);
 - (c) allowing another massage therapist to also supervise the supervised individual under Subsection 58-47b-302;

~~[(8) as a massage assistant, failing to provide employment records to the Division upon request, including under Subsection R156-47b-302e(6);~~

~~(9) as a supervising massage therapist,](d) advising, directing, or instructing [a massage apprentice or massage assistant in training]the supervised licensee in any education or training or behavior that violates the generally accepted and recognized standards and ethics of:[the massage profession, including those in the Utah Chapter of the American Massage Therapy Association Utah Code of Ethics and Standards of Practice, May 1, 2010 edition, which is incorporated by reference;~~

~~[(10) as a massage therapy supervisor, advising or directing a massage assistant in any behavior, or allowing or aiding or abetting any behavior by a massage assistant, that violates the generally accepted and recognized standards and ethics of:~~

~~(a) the massage profession], the massage therapy supervisor's licensed profession under Title 58, Occupations and Professions, including those in the Utah Chapter of the American Massage Therapy Association Utah Code of Ethics and Standards of Practice, [May 1, 2010] edition, which is incorporated by reference;[-or~~

~~(b) the massage therapy supervisor's licensed profession under Title 58, Occupations and Professions.];~~

~~(e) supervising more than six individuals or more than four massage apprentices or massage assistants-in-training under Subsection 58-47b-301(6); or~~

~~(f) allowing a massage apprentice to accumulate hours toward an apprenticeship without receiving approval under Subsection R156-47b-302f(3);~~

~~(6) supervising a massage apprentice, massage assistant, or massage assistant-in-training:~~

~~(a) when not licensed as a massage therapist under Subsection 58-47b-302(4);~~

~~(b) when not qualified under Subsections 58-47b-102(14) and R156-47b-302f;~~

~~(c) without Division approval to supervise the massage apprentice, massage assistant, or massage assistant-in-training; or~~

~~(d) when the massage apprentice, massage assistant, or massage assistant-in-training is under the supervision of another massage therapist who is approved by the Division under Subsection 58-47b-302(4) and meets the requirements of Section R156-47b-302f;~~

~~[(44)7] failing to notify a client of any communicable health condition the licensee may have that could present a hazard to the client;~~

~~[(42)8] failing to use appropriate draping procedures to protect the client's personal privacy;[-or]~~

~~[(43)9] failing to conform to the generally accepted and recognized standards and ethics of the massage profession, including those in the Utah Chapter of the American Massage Therapy Association Utah Code of Ethics and Standards of Practice, [May 1, 2010] edition, which is incorporated by reference[-];~~

~~(10) failing to comply with an administrative inspection under Sections 58-47b-601 and R156-47b-601;~~

~~(11) failing to comply with an administrative investigation under Subsection 58-1-106(1)(b);~~

~~(12) failure to obtain signed consent from a client before starting a massage;~~

~~(13) failing to provide a client with a private space to disrobe as necessary;~~

~~(14) failing to provide a private room for a client to receive massage services unless the client has consented to receiving massage services in a nonprivate setting, including couples massage and event work;~~

~~(15) placing or allowing a camera or other recording device in a practice room, restroom, or other location where an individual disrobes;~~

~~(16) placing or allowing a camera or other recording device in a location where an individual receives massage services, unless:~~

~~(a) the recording is solely for an educational or marketing purpose; and~~

- (b) the individual has given signed consent to the recording in a form separate from the intake form;
- (17) holding oneself out as a sole practitioner when the licensee does not meet the definition of a sole practitioner under Subsection 58-47b-102(19);
- (18) performing massage services in a location not listed in Subsection 58-47b-301(3);
- (19) failure to obtain from the client a completed and signed intake form under Subsection 58-47b-306(1);
- (20) failing to wear or display the licensee's first name, last name or last name initial, and license type under Subsection 58-47b-306(2);
- (21) failing to provide to the client the first name, last name initial, and license type of the licensed individual performing the massage services under Subsection 58-47b-306(3); or
- (22) under Subsection 58-47b-301.1(8), acting as an owner of a registered massage establishment that has failed to comply with a statute or rule that requires or prohibits action by the registered massage establishment.

R156-47b-502.1. Unprofessional Conduct - Massage Establishments.

Under Section 58-47b-502.1, "unprofessional conduct" for a massage establishment includes:

- (1) advising, directing, arranging, allowing, or aiding or abetting any individual in the massage establishment to engage in any lewd, indecent, obscene, or unlawful conduct, or conduct that may be reasonably construed as sexual in nature;
- (2) any attempt or act of advising directing, arranging, allowing, or aiding or abetting an individual in any conduct that violates the generally accepted and recognized standards and ethics of the massage profession, including those in the Utah Chapter of the American Massage Therapy Association Utah Code of Ethics and Standards of Practice, [DATE], which is incorporated by reference;
- (3) failing to display any registration, signage, and resource in accordance with Title 58, Chapter 47b, Massage Therapy Practice Act including Section 58-47b-306.1, or this Rule R156-47b, Massage Therapy Practice Act Rule including Section R156-47-302.2b;
- (4) failing to comply with Section R156-47b-302.2c;
- (5) violating Section 58-1-301.7;
- (6) violating Subsection 58-47b-301.1(7);
- (7) failing to comply with an administrative inspection under Sections 58-47b-601 and R156-47b-601;
- (8) failing to comply with an administrative investigation under Title 58, Occupations and Professions;
- (9) failing to comply with facility requirements under Section R156-47b-302.2b; or
- (10) failing to correct a violation of the laws and rules regulating massage establishments discovered upon inspection by the Division within the time period established by the Division.

R156-47b-503. Administrative Penalties[-] - Individuals.

~~[In addition to the penalties in Section 58-47b-503, the penalties under Sections 58-1-502 and R156-1-502 shall apply to a violation of Title 58, Occupations and Professions.]~~

- (1) Under Sections 58-1-502, 58-47b-501, 58-47b-502, and 58-47b-503, unless otherwise ordered by the Division's presiding officer, the following fine and penalty schedule shall apply to a citation issued to an individual licensed under Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 47b, Massage Therapy Practice Act:

TABLE
Penalty Schedule

Row	Violation	First Offense	Subsequent Offense
(1)	<u>58-1-501(1)(a)</u> – unlawful – unlicensed practice	<u>The greater of:</u> <u>\$100 - \$500 for a single violation, or</u> <u>up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$2,000 - \$10,000 for a single violation,</u> <u>or up to \$2,000 per day of an ongoing violation.</u>
(2)	<u>58-1-501(1)(b)</u> – unlawful - impersonating licensee or using different name	<u>The greater of:</u> <u>\$100 - \$1,000 for a single violation,</u> <u>or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$2,000 - \$10,000 for a single violation,</u> <u>or up to \$2,000 per day of an ongoing violation.</u>
(3)	<u>58-1-501(1)(c)</u> – unlawful - knowingly employing a person who is not licensed	<u>The greater of:</u> <u>\$500 - \$1,000 for a single violation,</u> <u>or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$2,000 - \$10,000 for a single violation,</u> <u>or up to \$2,000 per day of an ongoing violation.</u>
(4)	<u>58-1-501(1)(d)</u> – unlawful - knowingly allowing someone to use authority to practice	<u>The greater of:</u> <u>\$500 - \$1,000 for a single violation,</u> <u>or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$2,000 - \$10,000 for a single violation,</u> <u>or up to \$2,000 per day of an ongoing violation.</u>
(5)	<u>58-1-501(1)(e)</u> – unlawful - obtain licensure through fraud, forgery, misrep, etc.	<u>The greater of:</u> <u>\$100 - \$2,000 for a single violation,</u> <u>or \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$2,000 - \$10,000 for a single violation,</u> <u>or up to \$2,000 per day of an ongoing violation.</u>
(6)	<u>58-1-501(1)(g)</u> – unlawful - aiding/abetting another to violate rule/statute/order	<u>The greater of:</u> <u>\$500 - \$2,000 for a single violation,</u> <u>or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$2,000 - \$10,000 for a single violation,</u> <u>or up to \$2,000 per day of an ongoing violation.</u>
(7)	<u>58-1-501(2)(a)(i)</u> – unprofessional - violating rule/statute	<u>The greater of:</u> <u>\$500 - \$2,000 for a single violation,</u> <u>or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$2,000 - \$10,000 for a single violation,</u> <u>or up to \$2,000 per day of an ongoing violation.</u>
(8)	<u>58-1-501(2)(a)(ii)</u> – unprofessional – violating or aiding/abetting another to violate prof or ethical standards	<u>The greater of:</u> <u>\$500 - \$2,000 for a single violation,</u> <u>or \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$2,000 - \$10,000 for a single violation,</u> <u>or up to \$2,000 per day of an ongoing violation.</u>
(9)	<u>58-1-501(2)(a)(iii)</u> – unprofessional – criminal charge that when considered with functions/duties of profession bears a substantial relationship	<u>\$500 - \$2,000, subject to Subsection 58-47b-503(5).</u>	<u>\$2,000 - \$10,000, subject to Subsection 58-47b-503(5).</u>
(10)	<u>58-1-501(2)(a)(iv)</u> – unprofessional –	<u>\$500 - \$2,000</u>	<u>\$2,000 - \$10,000</u>

	<i>conduct that results in disciplinary action in another jurisdiction and conduct would result in denial or discipline in Utah</i>		
(11)	<u>58-1-501(2)(a)(v)</u> – unprofessional – using drugs, alcohol, etc., that does/might impair ability to safely engage in profession.	<u>\$100 - \$500</u>	<u>The greater of: \$500 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(12)	<u>58-1-501(2)(a)(vi)</u> – unprofessional – practicing/attempting to when physically / mentally unfit to do so	<u>\$100 - \$500</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(13)	<u>58-1-501(2)(a)(vii)</u> – unprofessional – practice/attempt to through gross incompetence/negligence, or pattern of incompetence/negligence	<u>\$500 - \$2,000</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(14)	<u>58-1-501(2)(a)(viii)</u> – unprofessional – practice or attempt to by action or communication that is false, misleading, etc.	<u>\$100 - \$500</u>	<u>The greater of: \$500 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(15)	<u>58-1-501(2)(a)(ix)</u> – unprofessional – practice or attempt to outside of scope of licensee's abilities	<u>The greater of: \$100 - \$500 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$500 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(16)	<u>58-1-501(2)(a)(x)</u> – unprofessional - practice or attempt to outside of scope of licensee's licensure	<u>The greater of: \$100 - \$500 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(17)	<u>58-1-501(2)(a)(xi)</u> – unprofessional – abusing/exploiting another verbally, sexually, mentally, etc.	<u>The greater of: \$2,000 - \$5,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(18)	<u>58-1-501(2)(a)(xii)</u> – unprofessional – act as supervisor when not	<u>The greater of: \$100 - \$1,000 for a single violation, or up to \$2,000 per day of an</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing</u>

	<i>qualified</i>	<u>ongoing violation.</u>	<u>violation.</u>
(19)	<u>58-1-501(2)(a)(xv)</u> – <i>unprofessional – violating order governing a license</i>	<u>The greater of: \$500 - \$2,000 for a single violation, or up to \$2,000 per day for an ongoing violation.</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(20)	<u>58-47b-501(1)(a)</u> - <i>individual - perform massage but unlicensed and not exempt</i>	<u>The greater of: \$100 - \$500 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(21)	<u>58-47b-501(1)(b)</u> - <i>individual - advertise or represent self as able to massage when not licensed</i>	<u>The greater of: \$100 - \$500 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(22)	<u>58-47b-501(1)(c)</u> - <i>individual - perform massage outside scope of licensure/registration</i>	<u>The greater of: \$100 - \$500 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(23)	<u>58-47b-501(1)(d)</u> - <i>individual - sexual touching subject to (2).</i>	<u>\$2,000 - \$5,000</u>	<u>\$5,000 - \$10,000</u>
(24)	<u>58-47b-502(1)</u> – <i>individual - no business license</i>	<u>The greater of: \$500 - \$1,000 for a single violation, or \$250 per day of an ongoing violation.</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or \$500 per day of an ongoing violation.</u>
(25)	<u>58-47b-502(2)</u> – <i>individual - fail to comply w/ applicable ordinances</i>	<u>The greater of: \$500 - \$1,000 for a single violation, or \$100 per day of an ongoing violation.</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or \$200 per day of an ongoing violation.</u>
(26)	<u>58-47b-502(3)</u> - <i>individual - fail to comply w/ state/local health or sanitation codes</i>	<u>The greater of: \$500 - \$1,000 for a single violation, or \$100 per day of an ongoing violation.</u>	<u>The greater of: \$1,000 - \$5,000 for a single violation, or \$200 per day of an ongoing violation.</u>
(27)	<u>58-47b-502(4)</u> - <i>individual - fail to properly supervise</i>	<u>The greater of: \$200 - \$2,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(28)	<u>58-47b-502(5)</u> - <i>individual - fail to maintain mechanical or electrical equipment in safe operating condition</i>	<u>The greater of: \$100 - \$2,000 for a single violation, or \$125 per day of an ongoing violation.</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or \$250 per day of an ongoing violation.</u>
(29)	<u>58-47b-502(6)</u> - <i>individual - fail to</i>	<u>\$500 - \$1,000</u>	<u>\$2,000 - \$10,000</u>

	<i>adequately monitor clients in steam room, dry heat cabinet, or water bath</i>		
(30)	<u>58-47b-502(7) - individual – prescriptions or administer medicine/drugs</u>	<u>The greater of: \$500 - \$1,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(31)	<u>58-47b-502(8) - individual – engage in act outside scope</u>	<u>The greater of: \$100 - \$500 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(32)	<u>58-47b-502(9) - individual – engage in act/practice not competent to perform through training/experience</u>	<u>The greater of: \$100 - \$500 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(33)	<u>Any rule from 58-1, 58-47b-501, or 58-47b-502. – See 58-47b-503(6)(e)(i) and (ii).</u>	<u>The greater of: \$1,000 - \$2,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
	<u>R156-1??</u>		
	<u>R156-47b?</u>		
(34)	<u>Any act of unlawful conduct or unprofessional conduct that is not specifically listed in this penalty schedule.</u>	<u>The greater of: \$1,000 – \$2,000 for a single violation, or \$100 per day of an ongoing violation.</u>	<u>The greater of: \$2,000 - \$10,000 for a single violation, or \$200 per day of an ongoing violation.</u>

- (2) (a) Under Subsection R156-1-502(1), a citation may not be issued for a third or subsequent offense except in extraordinary circumstances approved by the bureau manager or chief investigator.
- (b) If a citation is issued for a third or subsequent offense, the fine amount shall be double the second offense fine amount up to the maximum fine amount allowed under Subsection 58-47b-503.
- (3) Multiple offenses may be cited on the same citation if the citation clearly indicates:
- (a) each offense; and
- (b) the fine amount allocated to each offense.
- (4) The Division bureau manager, investigative team leader, or chief investigator may authorize a deviation from the fine amount in a citation based upon the aggravating or mitigating circumstances.
- (5) The Division’s presiding officer for a contested citation ~~[shall have discretion to]~~ may increase or decrease the fine amount imposed by an investigator based on:
- (a) a review of the evidence; and
- (b) the aggravating or mitigating circumstances.

R156-47b-503.1. Administrative Penalties - Massage Establishments.

(1) Under Subsection 58-47b-503.1(4), unless otherwise ordered by the Division's presiding officer, the following penalties apply to a massage establishment under Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 47b, Massage Therapy Practice Act;

TABLE			
Penalty Schedule			
Row	Violation	First Offense	Subsequent Offense
(1)	<u>58-1-501(1)(a) – unlawful – unlicensed practice</u>	<u>The greater of:</u> <u>\$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(2)	<u>58-1-501(1)(b) – unlawful - impersonating licensee or using different name</u>	<u>The greater of:</u> <u>\$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(3)	<u>58-1-501(1)(c) – unlawful - knowingly employing a person who is not licensed</u>	<u>The greater of:</u> <u>\$1,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(4)	<u>58-1-501(1)(d) – unlawful - knowingly allowing someone to use authority to practice</u>	<u>The greater of:</u> <u>\$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(5)	<u>58-1-501(1)(e) – unlawful - obtain licensure through fraud, forgery, misrep, etc.</u>	<u>The greater of:</u> <u>\$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(6)	<u>58-1-501(1)(g) – unlawful - aiding/abetting another to violate rule/statute/order</u>	<u>\$5,000 - \$10,000</u>	<u>The greater of:</u> <u>\$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(7)	<u>58-1-501(2)(a)(i) – unprofessional - violating rule/statute</u>	<u>\$1,000 - \$10,000</u>	<u>The greater of:</u> <u>\$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(8)	<u>58-1-501(2)(a)(ii) – unprofessional – violating or aiding/abetting another to violate prof or ethical standards</u>	<u>The greater of:</u> <u>\$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(9)	<u>58-1-501(2)(a)(iii) – unprofessional – criminal charge that when considered with functions/duties of profession bears a</u>	<u>\$5,000 - \$10,000, subject to Subsection 58-47b-503.1(3).</u>	<u>\$10,000, subject to Subsection 58-47b-503.1(3).</u>

	<i>substantial relationship</i>		
(10)	<u>58-1-501(2)(a)(iv)</u> – <i>unprofessional – conduct that results in disciplinary action in another jurisdiction and conduct would result in denial or discipline in Utah</i>	<u>\$5,000 - \$10,000</u>	<u>\$10,000</u>
(11)	<u>58-1-501(2)(a)(vii)</u> – <i>unprofessional – practice/attempt to through gross incompetence/negligence, or pattern of incompetence/negligence</i>	<u>\$1,000 - \$5,000</u>	<u>The greater of: \$5,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(12)	<u>58-1-501(2)(a)(viii)</u> – <i>unprofessional – practice or attempt to by action or communication that is false, misleading, etc.</i>	<u>\$5,000 - \$10,000</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing investigation.</u>
(13)	<u>58-1-501(2)(a)(x)</u> – <i>unprofessional - practice or attempt to outside of scope of licensee’s licensure</i>	<u>The greater of: \$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(14)	<u>58-1-501(2)(a)(xi)</u> – <i>unprofessional – abusing/exploiting another verbally, sexually, mentally, etc.</i>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(15)	<u>58-1-501(2)(a)(xv)</u> – <i>unprofessional – violating order governing a license</i>	<u>The greater of: \$500 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$1,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(16)	<u>58-47b-501.1(1)</u> – <i>establishment – operating without valid registration</i>	<u>The greater of: \$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(17)	<u>58-47b-501.1(2)</u> – <i>establishment – using for housing, shelter, harboring</i>	<u>The greater of: \$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(18)	<u>58-47b-501.1(3)</u> – <i>establishment – unlicensed massage</i>	<u>The greater of: \$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(19)	<u>58-47b-501.1(4)</u> – <i>establishment – provider not fully clothed or</i>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing</u>

	<i>sexual act</i>	<u>violation.</u>	<u>violation.</u>
(20)	<u>58-47b-501.1(5)– establishment – arrange for sexual act</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(21)	<u>58-47b-501.1(6)– establishment – adult merchandise</u>	<u>The greater of: \$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(22)	<u>58-47b-501.1(7)– establishment – advertise on sexually oriented website</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(23)	<u>58-47b-501.1(8)– establishment – advertise services reasonably construed as sexual</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(24)	<u>58-47b-501.1(9)– establishment – refuse inspection</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(25)	<u>58-47b-501.1(10)– establishment – arrange or allow unlawful acts in 58-47b-501</u>	<u>The greater of: \$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(26)	<u>58-47b-501.1(11)– establishment – fail to immediately report to police disorderly conduct, sexual acts, other criminal activity</u>	<u>The greater of: \$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(27)	<u>58-47b-501.1(12)– establishment – conceal someone</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(28)	<u>58-47b-501.1(13)– establishment – refuse to provide ID to inspector or police</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(29)	<u>58-47b-501.1(14)– establishment – attempt to elude inspector</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>	<u>The greater of: \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(30)	<u>58-47b-502.1(1) – fail to comply w/ employee/client recordkeeping requirements est. in rule.</u>	<u>The greater of: \$500 - \$1,000 for a single violation, or \$100 per day of an ongoing violation.</u>	<u>The greater of: \$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(31)	<u>58-47b-502.1(2) – fail to</u>	<u>The greater of:</u>	<u>The greater of:</u>

	<i>comply w/ state/local health/sanitation codes est. by rule</i>	<u>\$500 - \$1,000 for a single violation, or \$100 per day of an ongoing violation.</u>	<u>\$1,000 - \$5,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(32)	<u>58-47b-502.1(3) – fail to comply w/ facility requirements est by rule.</u>	<u>The greater of: \$1,000 - \$5,000 for a single violation, or \$500 per day of an ongoing violation.</u>	<u>The greater of: \$5,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
(33)	<u>58-47b-502.1(4) – no business registration</u>	<u>The greater of: \$1,000 - \$5,000 for a single violation, or \$500 per day of an ongoing violation.</u>	<u>The greater of: \$5,000 - \$10,000 for a single violation, or \$1,000 per day of an ongoing violation.</u>
(34)	<u>58-47b-502.1(5) – fail to comply w/ applicable ordinances regulating massage est.</u>	<u>The greater of: \$1,000 - \$5,000 for a single violation, or \$500 per day of an ongoing violation.</u>	<u>The greater of: \$5,000 - \$10,000 for a single violation, or \$1,000 per day of an ongoing violation.</u>
(35)	<u>58-47b-502.1(6) – fail to maintain mechanical/electrical equip in safe operating condition;</u>	<u>The greater of: \$250 - \$5,000 for a single violation, or \$125 per day of an ongoing violation.</u>	<u>The greater of: \$500 - \$10,000 for a single violation, or \$250 per day of an ongoing violation.</u>
(36)	<u>58-47b-502.1(7) – fail to adequately monitor client in steam room, dry heat cabinet, or water bath.</u>	<u>\$1,000 - \$5,000</u>	<u>\$5,000 - \$10,000</u>
(37)	<u>Any rule from 58-1, 58-47b-501.1, or 58-47b-502.1. – See 58-47b-503.1(4)(e)(i) and (ii).</u>		
(38)	<u>R156-1??</u>		
(39)	<u>R156-47b??</u>		
(40)	<u>Any other conduct that constitutes unprofessional or unlawful conduct</u>	<u>The greater of: \$100 - \$5,000 for a single violation, or \$100 per day of an ongoing violation.</u>	<u>The greater of: \$5,000 - \$10,000 for a single violation, or \$200 per day of an ongoing violation.</u>

- (2) (a) Under Subsection R156-1-502(1), a citation may not be issued for a third or subsequent offense except in extraordinary circumstances approved by the bureau manager or chief investigator.
- (b) If a citation is issued for a third or subsequent offense, the penalty shall be at least double the penalty for a second offense, up to the maximum penalty allowed under Subsection 58-47b-503.1.
- (3) Multiple offenses may be cited on the same citation if the citation clearly indicates:
- (a) each offense; and
- (b) the penalty allocated to each offense.
- (4) The Division bureau manager, investigative team leader, or chief investigator may authorize a deviation from the a penalty amount based upon the aggravating or mitigating circumstances.
- (5) The Division’s presiding officer for a contested citation may increase or decrease the penalty(ies) imposed by the citation based on:

- (a) a review of the evidence; and
- (b) the aggravating or mitigating circumstances.

R156-47b-504. Renting or Leasing to a Sole Practitioner - Attestation and Documentation.

Under Section 58-47b-504, a sole practitioner renting or leasing to another sole practitioner shall obtain the signed attestation required by Subsection 58-47b-504(2) by using the Division's Massage Lessor Attestation form, available at <https://>, or similar form, which contains the following:

- (1) the attestation for the lessee to sign;
- (2) information on how to use the Division's website to verify the lessee is a licensed massage therapist in good standing in the state of Utah; and
- (3) instructions to attach a copy of the lessee's current license to the attestation.

R156-47b-601. Inspection.

(1) Under Subsection 58-47b-601(1), the Division may enter and inspect the premises and facilities of a massage establishment, with or without notice, to determine compliance with Title 58, Chapter 1, Division of Professional Licensing Act, Title 58, Chapter 47b, Massage Therapy Practice Act, and this Rule R156-47b;

(2) In conducting an inspection under Subsection 58-47b-601, the Division may:

- (a) inspect and copy physical and electronic records of the massage establishment, including intake forms, billing records, and employment records;
- (b) inspect within reasonable limits and in a reasonable manner the premises and equipment, following the Division's Massage Establishment Inspection form, available at <https://>; and
- (c) verify the identity of all on-duty employees by checking photo identification and massage license, if any.

(3) A massage establishment shall assist the inspector conducting an inspection by providing upon request any of the information described in Section R156-47b-302.2c.

(4) An inspection shall be conducted with or without prior notice to the massage establishment, but each inspection shall be conducted within the operating hours of the massage establishment as defined in Subsection R156-47b-102(16), unless law enforcement requests the presence of a Division investigator outside of the operating hours in which case the inspection shall be limited to license and registration verifications.

(5) If a massage establishment is located within a licensee's residence or an office space shared with other businesses, an inspector must have independent and sufficient legal justification before inspecting areas not to be used as a place of business for massage.

R156-47b-~~6~~701. Standards for Animal Massage Therapy Training.

Under Subsection 58-28-307(12)(c), an individual practicing animal massage shall have received at least 60 hours of animal massage therapy training in the following areas:

- (1) quadruped anatomy;
- (2) the theory of quadruped massage; and
- (3) supervised quadruped massage experience.

KEY: ~~[]~~licensing, massage establishment, massage establishment registration, massage therapy, massage therapist, massage apprentice, massage assistant, massage assistant-in-training, inspection, animal massage

946 **Date of Last Change:** [~~February 14, 2025~~2026
947 **Notice of Continuation:** [~~]~~March 21, 2022
948 **Authorizing, and Implemented or Interpreted Law:** [~~]~~58-1-106(1)(a); 58-1-202(1)(a); 58-47b-101

WORKING DRAFT