

1 **R156. Commerce, Professional Licensing.**

2 **R156-47b. Massage Therapy Practice Act Rule.**

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

4 (1) This rule is known as the "Massage Therapy Practice Act Rule."

5 (2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to  
6 enable the Division to administer Title 58, Chapter 47b, Massage Therapy Practice Act.

7 (3) The organization of this rule and its relationship to Rule R156-1 is as described in Section  
8 R156-1-10~~[7]~~1.

9

10 **R156-47b-102. Definitions.**

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

13 (1) "Accrediting agency" means an organization, association, or commission recognized by the  
14 United States Department of Education as a reliable authority in assessing the quality of education  
15 or training provided by a school or institution.

16 (2) "Acute" injury under Subsection 58-47b-102~~(9)(b)~~(13)(g) means a sudden onset injury [  
17 such as]including a sprain, strain, or contusion.

18 ~~(3) "Body wrap" means a body treatment that:~~

19 ~~(a) may include one or more therapeutic preparations;~~  
20 ~~(b) is not for cosmetic purposes; and~~  
21 ~~(c) maintains modesty by fully or partially draping the body.]~~

22 (4) "Clinic" means performing on the public, in a supervised student setting, the techniques and  
23 skills learned under the curriculum of a registered school.

24 (5) "Display prominently" means to make visible in at least the entryway reception area of a  
25 registered massage establishment.

26 (6) "Direct supervision" is defined in accordance with R156-1-102a.

27 (7) "Disrobe" means removing one's clothes to the point of undress.

28 ~~(5) "Distance learning" means the acquisition of theory-based knowledge and non-hands-on  
29 skills through information and education:[ provided without the teacher being physically present  
30 with the student, massage apprentice, or massage assistant-in-training, using various technologies  
31 to facilitate communication such as internet and audio or visual recordings.]~~

32 ~~(a) that is provided without the teacher being physically present with the student, massage  
33 apprentice, or massage assistant-in-training; and~~

34 ~~(b) using various technologies to facilitate communication such as internet and audio or  
35 visual recordings.~~

36 ~~(6) "FSMTB" means the Federation of State Massage Therapy Boards.~~

37 ~~(10) (a) "Fully clothed" as used in Subsection 58-47b-501.1(4)(a) means the licensee is  
38 wearing:~~

39 ~~(i) outer garments including a shirt and shorts or pants that:~~

40 ~~(A) cover the genitals, pubic area, buttocks, and breasts; and~~

41 ~~(B) are nontransparent including:~~

42 ~~(I) scrubs; or~~

43 ~~(II) business casual wear; and~~

44 ~~(ii) shoes unless specific to the modality.~~

45 ~~(b) "Fully clothed" as used in Subsection 58-47b-501.1(4)(a) does not include wearing  
46 one of the following as an outer garment:~~

47 ~~(i) lingerie;~~

48 ~~(ii) a bikini or similar; or~~

49 ~~(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.

[+120] "Recognized school" means a massage school located in another state, district,

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.

([+2]21) "Registered school" means a ~~massagc~~ school [~~or 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][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.

([+4]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 u~~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;**]

101 (e) one individual who previously served as a member of the Board as a licensed  
102 massage therapist.~~and~~

103 ~~(d) one individual who is a licensed massage therapist.]~~

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

107 (2) The Massage Therapy Education Peer Committee shall:

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

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

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

117 (2) ~~Curricula~~ The massage school's curriculum shall be:

118 (a) ~~be~~ registered with:  
119 (i) the ~~Utah Department of Commerce,~~ Division of Consumer Protection of the  
120 Utah Department of Commerce; or  
121 (ii) an accrediting agency; or  
122 (b) ~~be~~ from a recognized school as defined in Subsection R156-47b-102(17); or  
123 (c) recommended by the Massage Therapy Education Peer Committee and approved by  
124 the Board.

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

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

TABLE  
Massage School Curriculum

Row	Area	Hours
(1)	<u>anatomy, physiology, and kinesiology</u>	<u>125 hours</u>
(2)	<u>pathology</u>	<u>40 hours</u>
(3)	<u>massage theory, massage techniques including the five basic Swedish massage strokes, and hands-on instruction</u>	<u>285 hours</u>
(4)	<u>professional standards, ethics, and business practices</u>	<u>35 hours</u>
(5)	<u>sanitation and universal precautions including CPR and first aid</u>	<u>15 hours</u>
(6)	<u>clinic</u>	<u>100 hours</u>
(7)	<u>other related massage subjects as approved by the Division in collaboration with the Board.</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 ([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 ([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.]

187  
188

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

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

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

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

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

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

201 (b) An applicant may begin a massage apprenticeship with the massage therapy  
202 ~~supervising massage therapist and massage apprentice may begin an~~  
203 apprenticeship program] after:

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

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

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

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

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

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

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

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

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

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

225 (b) ~~pathology~~ 40 hours;

226 (c) ~~massage theory~~ 50 hours;

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

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

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

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

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

232 **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>

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

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

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

242 (6) The supervising massage therapist and massage apprentice shall:  
243 (a) display a conspicuous sign near the massage apprentice's workstation stating  
244 "Apprentice in Training";  
245 (b) keep a daily record that includes:  
246 (i) the number of hours of training completed; and  
247 (ii) the number of hours of massage client services performed;  
248 (c) make the massage apprentice's training records available to the Division immediately  
249 upon request;  
250 (d) verify the completion of the apprenticeship [program] on forms available from the  
251 Division;  
252 (e) if the apprenticeship [program] is terminated, notify the Division within ten working  
253 days on a Notice of Disassociation form available from the Division; and  
254 (f) ensure that the massage apprentice: [performs the massage client services in Subsection  
255 (4)(e) only on the public, and performs the other hands-on instruction or practice on a  
256 massage apprentice or the supervising massage therapist.]

257 (7) [A]Under Subsection 58-47b-302(3), a massage apprentice shall perform massage client  
258 services under at least the indirect supervision of a massage therapy supervisor, as defined in  
259 Subsection R156-1-102a(1)(b). [shall provide direct supervision] under Subsection 58-47b-  
260 302(3)(d) for a massage apprentice performing massage client services by:

261 (i) giving prior written or verbal instructions to the massage apprentice;  
262 (ii) being present in the facility where the massage apprentice is performing the  
263 massage client services; and  
264 (iii) being available to provide immediate face to face communication with the  
265 massage apprentice as necessary.

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

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

270 [(a) the supervising massage therapist shall:

271 (i) [with the massage apprentice, meet with] appear before the Board [at the next  
272 appropriate Board meeting;] to explain why the massage apprentice has not passed  
273 the exam; and  
274 [(ii) explain to the Board why the massage apprentice cannot pass the examination;  
275 and]  
276 [(iii)] provide to the Board a plan of study in the appropriate subject matter to  
277 [assist] address deficiencies in the massage apprentice's education and training to  
278 [in] pass[ing] the exam[ination]; and]

279 (a) the massage apprentice shall:

280 (i) submit to the Board a written statement outlining the massage apprentice's:  
281 (A) core barriers to successful completion of the exam;  
282 (B) plan for overcoming the core barriers, with goals in a specific,  
283 measurable, achievable, relevant, and time-bound (SMART) format; and  
284 (C) timeline for achieving the plan;  
285 (ii) appear before the Board and develop with the Board a plan of study in the  
286 appropriate subject matter; and  
287 (iii) complete the plan of study to the satisfaction of the Board; and

288 [(b) if the Division and Board approve, the massage apprentice shall again be eligible to  
289 take the FSMTB-]

290 (b) the Division in collaboration with the Board shall review the massage apprentice's  
291 application to determine whether to provide approval for the massage apprentice to retake  
292 the exam.

293 (9) A licensed or formerly licensed massage apprentice who has failed the MBLEx may not use  
294 their supervised training as a massage apprentice to apply for a massage assistant license unless  
295 the applicant has received prior approval from the Division in collaboration with the Board.

### 297 **R156-47b-302c. Qualifications for Licensure as a Massage Assistant - Massage School Education 298 and Training Standards.**

299 (1) Under Subsections 58-47b-302(2)(a)(i) and (ii) and (7)(c), an applicant shall graduate from a  
300 massage school with a curriculum that meets the requirements of this section when the applicant  
301 graduated.

302 (2) The massage school's curriculum shall be:

303 (a) registered with:  
304 (i) the Division of Consumer Protection of the Utah Department of Commerce; or  
305 (ii) an accrediting agency; or  
306 (b) from a recognized school as defined in Subsection R156-47b-102(17); or  
307 (c) recommended by the Massage Therapy Education Peer Committee and approved by  
308 the Board.

309 (3) The massage school's curriculum shall include at least 300 hours covering the following:

310 **TABLE**   
**Massage School Curriculum**

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

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

311 (4) The Division, in collaboration with the Board, may consider supplemental coursework of an  
312 applicant who has completed the minimum 300 curricula hours, but has incidental deficiencies in  
313 one or more of the categories in Subsection R156-47b-302c(3).  
314 (5) An applicant may not accumulate more than 80 curriculum hours within any two week period.  
315

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

318 (1) Under Subsections 58-47b-302[(4)(a)(iv)](1), 58-47b-302[(4)(b)](2)(b)(i), and 58-47b-  
319 302[(5)(d)](7)(b), the [following] standards [are established] for a massage assistant-in-training  
320 education and training program[;] are established in this section.

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

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

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

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

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

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

333 (i) the first name, last name, and license number of the applicant's proposed  
334 massage therapy supervisor to the Division for approval under Section R156-47b-  
335 302f;

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

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

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

342 (i) the Division has licensed the applicant as a massage assistant-in-training; and  
343 (ii) the Division has approved the applicant's proposed massage therapy  
344 supervisor.

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

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

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

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

354 ([4]3) Under Subsection 58-47b-302[(4)(b)](2)(b)(i), a supervising massage therapist shall train  
355 the massage assistant-in-training shall complete for a total of at least 300 hours of education and  
356 training as follows:

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

361 (i) ~~anatomy and physiology~~ 40 hours;  
362 (ii) ~~pathology~~ 20 hours;  
363 (iii) ~~massage theory~~ 10 hours;  
364 (iv) ~~massage techniques including the five basic Swedish massage strokes~~ 40  
365 ~~hours;~~  
366 (v) ~~hands on instruction in the areas in Subsections 58-47b-102(9)(a)(ii) through~~  
367 (vi) ~~30 hours;~~  
368 (vii) ~~sanitation and universal precautions, including CPR and first aid~~ 5 hours;  
369 ~~and]~~

370 (a) under Subsection 58-47b-302(2)(b)(i)(A), at least 150 hours of education and training  
371 under the direct supervision of the massage therapy supervisor that meets the following  
372 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</u> <u>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</u> <u>and first aid</u>	<u>5 hours</u>

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

377 (i) ~~has given prior written or verbal instructions to the massage assistant in-~~  
378 ~~training;~~  
379 (ii) ~~is present in the facility where the massage assistant in training is performing~~  
380 ~~the massage client services, and may, but need not be, present in the room where~~  
381 ~~the massage assistant in training is performing the massage client services; and~~  
382 ~~(iii) is available to provide immediate face to face communication with the~~  
383 ~~massage assistant in training as necessary.]~~  
384 (i) performing massage client services within the scope of limited massage  
385 therapy;  
386 (ii) under at least the indirect supervision of the massage therapy supervisor as  
387 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;

(e) ~~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 supervision massage therapist.]~~

([8]4) If a massage assistant-in-training fails the Utah Massage Assistant Theory, Law, and Rule Exam ~~in nation~~ 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

**(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([59][, 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.]

(+)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 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(1), 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:

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

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

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

502 (4) A massage therapy supervisor for:

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

509 (5) A massage therapy supervisor shall:

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

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

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

536 (iii)b) provide to the Board a plan of study in the appropriate subject matter to  
537 [assist]address deficiencies in the supervisee's education and training to  
538 [in]pass[ing] the exam[ination; and].  
539  
540

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

542 (1) Under Subsection 58-47b-302(4)(b) and (7)(a), an applicant for licensure as a massage  
543 therapist shall pass:  
544 (a) the MBLEX; or  
545 (b) a predecessor exam, if the exam was passed during the time the exam was accepted by  
546 the Division.  
547 (2) Under Subsections 58-47b-302(2)(a)(iii), (2)(b)(iii), (2)(c)(ii), and (7)(a), an applicant for  
548 licensure as a massage assistant shall pass the Utah Massage Assistant Theory, Law, and Rule  
549 Exam.

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

551 The topics described in TABLE # in this section:

552 (1) are the required subject matter for the massage safety permit educational module under  
553 Subsections 58-47b-302(5)(d) and (7)(f); and  
554 (2) are the topics on which an applicant shall complete training in accordance with Subsections  
555 58-47b-302(2)(a)(ii), (2)(b)(ii), and (4)(a)(i)(B), (ii)(B), and (iii)(B).

556 **TABLE █**  
557 **Educational Module**

Row	Topic	Subtopic	Hours Required
(1)	<u>Universal standard precautions</u>	<u>client and therapist safety; legal and ethical responsibilities; sanitation; insurance; communication</u>	<u>2 hours</u>
(2)	<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>
(3)	<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>

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

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

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

571 (a) providing to the Division accurate and complete records of massage establishment  
572 ownership and operations, including advertising, employment and work history, payroll,  
573 supervision agreements, or documentation showing ownership or right to possession of the  
574 premises;  
575 (b) providing to the Division any of the information described in Subsection R156-47b-  
576 302.2c; or  
577 (c) consenting to and completing an inspection under Section R156-47b-601.

## 580 **R156-47b-302.2b. Qualifications for Registration as a Massage Establishment - Facility 581 Requirements.**

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

584 (2) A massage establishment shall:

585 (a) under Subsection 58-47b-502.1(2), follow applicable state and local health and  
586 sanitation codes and requirements, including under Title 26B, Chapter 7, Public Health and  
587 Prevention;  
588 (b) provide each client with a private space to disrobe as necessary;  
589 (c) provide a private space for each client to receive massage services, except if the client  
590 has consented in writing to receiving massage services in a nonprivate setting, such as for  
591 couples massage and event work; and  
592 (d) display prominently the Division resources and information required under  
593 Subsections 58-47b-306.1(1)(c) and (3)(b), by posting in the entryway reception area and  
594 each restroom of the massage establishment the Division's Massage Disclosure form,  
595 available at <https://>, which describes:

596 (i) methods for reporting complaints to the Division, including by phone and  
597 through the Division's online complaint form at [https://dopl.utah.gov/file-a-  
598 complaint](https://dopl.utah.gov/file-a-complaint);  
599 (ii) a client's right to request the licensee's first name and last initial and license  
600 type;  
601 (iii) methods for contacting local law enforcement about concerns;  
602 (iv) resources for identifying and reporting suspected human trafficking; and  
603 (v) resources available to potential victims of human trafficking.

604 (3) A massage establishment may not:

605 (a) place or allow a camera or other recording device in a practice room, restroom, or  
606 other location where an individual disrobes;  
607 (b) place or allow a camera or other recording device in a location where an individual  
608 receives massage services, unless:  
609 (i) the recording is solely for an educational or marketing purpose; and  
610 (ii) the individual has given signed consent to the recording in a form separate  
611 from the intake form; or

612 (c) install or operate an automated teller machine (ATM) in the massage establishment.  
613  
614

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

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

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

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

628 (3) Under Subsections 58-47b-302.2(2), (3), or (5), 58-47b-301.1(6), (7), or (8), 58-47b-401.1, 5  
629 8-47b-504, or 58-47b-601(4) or (5), a massage establishment shall maintain, and provide to the  
630 Division upon request, an accurate record of the massage establishment's ownership and  
631 organizational structure, including the lines of authority and the delegation of responsibility and  
632 identifying each individual for whom a background check is required under Subsection 58-47b-  
633 302.2(3).

634  
635 **R156-47b-303. Renewal Cycle - Procedures - Individual.**

636 (1) Under Subsections 58-47b-303(1) and 58-1-308(1)(a), the renewal date for the two-year  
637 renewal cycle for [licensees] a massage therapist or a massage assistant under Title 58, Chapter  
638 47b, Massage Therapy Practice Act is established in Section R156-1-308a.

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

640 ~~(3) Under Subsection 58-47b-303(3) an expired massage assistant in training license may not be~~  
641 ~~renewed, but the Division in collaboration with the Board may extend the license for a period~~  
642 ~~proportionate to a hardship experienced by the massage assistant in training, if the massage~~  
643 ~~assistant in training presents evidence in writing satisfactory to the Division and Board that:~~

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

649  
650 **R156-47b-303.1. Renewal Cycle - Procedures - Massage Establishment.**

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

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

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

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

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

666

667

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

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

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

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

675 (b) the date of the session;

676 (c) the client's:

677 (i) first and last names;

678 (ii) birth year;

679 (iii) contact information;

680 (iv) emergency contact;

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

682 (e) client's health history including:

683 (i) each major medical issue;

684 (ii) each allergy;

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

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

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

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

689 (i) the treatment plan;

690 (ii) the massage technique;

691 (iii) the level of massage pressure;

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

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

694 (vi) draping;

695 (vii) duration of the session; and

696 (viii) privacy and confidentiality;

697 (g) the client's right to:

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

699 (ii) ask questions;

700 (iii) modify the treatment;

701 (iv) stop treatment;

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

704 (h) the licensee's right to:

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

707 (A) disrespectful speech or behavior;

708 (B) harassment;

709 (C) a sexual advance or request;

710 (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).]

([32] 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;

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

761 ~~(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;~~

762 ~~(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:~~

763 ~~(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]~~

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

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

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

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

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

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

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

771 ~~(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;~~

772 ~~(11) failing to notify a client of any communicable health condition the licensee may have that could present a hazard to the client;~~

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

774 ~~(13) 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 [-];~~

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

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

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

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

779 ~~(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;~~

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

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

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

809 (b) the individual has given signed consent to the recording in a form separate  
810 from the intake form;

811 (17) holding oneself out as a sole practitioner when the licensee does not meet the definition of a  
812 sole practitioner under Subsection 58-47b-102(19);

813 (18) performing massage services in a location not listed in Subsection 58-47b-301(3);

814 (19) failure to obtain from the client a completed and signed intake form under Subsection 58-  
815 47b-306(1);

816 (20) failing to wear or display the licensee's first name, last name or last name initial, and license  
817 type under Subsection 58-47b-306(2);

818 (21) failing to provide to the client the first name, last name initial, and license type of the  
819 licensed individual performing the massage services under Subsection 58-47b-306(3); or

820 (22) under Subsection 58-47b-301.1(8), acting as an owner of a registered massage establishment  
821 that has failed to comply with a statute or rule that requires or prohibits action by the registered  
822 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) – unlawful – unlicensed practice</u>	<u>The greater of:</u> <u>\$100 - \$500 for a single violation, 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, 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>\$100 - \$1,000 for a single violation, 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, 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>\$500 - \$1,000 for a single violation, 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, 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>\$500 - \$1,000 for a single violation, 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, 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>\$100 - \$2,000 for a single violation, or \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$2,000 - \$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>The greater of:</u> <u>\$500 - \$2,000 for a single violation, 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, 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>The greater of:</u> <u>\$500 - \$2,000 for a single violation, 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, 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>\$500 - \$2,000 for a single violation, or \$2,000 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$2,000 - \$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 substantial relationship</u>	<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) – unprofessional –</u>	<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) – unprofessional – using drugs, alcohol, etc., that does/might impair ability to safely engage in profession.</u>	<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) – unprofessional – practicing/attempting to when physically / mentally unfit to do so</u>	<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) – unprofessional – practice/attempt to through gross incompetence/negligence, or pattern of incompetence/negligence</u>	<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) – unprofessional – practice or attempt to by action or communication that is false, misleading, etc.</u>	<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) – unprofessional – practice or attempt to outside of scope of licensee's abilities</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: \$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) – unprofessional - practice or attempt to outside of scope of licensee's licensure</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>
(17)	<u>58-1-501(2)(a)(xi) – unprofessional – abusing/exploiting another verbally, sexually, mentally, etc.</u>	<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) – unprofessional – act as supervisor when not</u>	<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>
<u>(19)</u>	<u>58-1-501(2)(a)(xv) – unprofessional – violating order governing a license</u>	<u>The greater of:</u> <u>\$500 - \$2,000 for a single violation, or up to \$2,000 per day for an ongoing violation.</u>	<u>The greater of:</u> <u>\$2,000 - \$10,000 for a single violation, or up to \$2,000 per day of an ongoing violation.</u>
<u>(20)</u>	<u>58-47b-501(1)(a) - individual - perform massage but unlicensed and not exempt</u>	<u>The greater of:</u> <u>\$100 - \$500 for a single violation, 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, or up to \$2,000 per day of an ongoing violation.</u>
<u>(21)</u>	<u>58-47b-501(1)(b) - individual - advertise or represent self as able to massage when not licensed</u>	<u>The greater of:</u> <u>\$100 - \$500 for a single violation, 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, or up to \$2,000 per day of an ongoing violation.</u>
<u>(22)</u>	<u>58-47b-501(1)(c) - individual - perform massage outside scope of licensure/registration</u>	<u>The greater of:</u> <u>\$100 - \$500 for a single violation, 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, or up to \$2,000 per day of an ongoing violation.</u>
<u>(23)</u>	<u>58-47b-501(1)(d) - individual - sexual touching subject to (2).</u>	<u>\$2,000 - \$5,000</u>	<u>\$5,000 - \$10,000</u>
<u>(24)</u>	<u>58-47b-502(1) – individual - no business license</u>	<u>The greater of:</u> <u>\$500 - \$1,000 for a single violation, or \$250 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$2,000 - \$10,000 for a single violation, or \$500 per day of an ongoing violation.</u>
<u>(25)</u>	<u>58-47b-502(2) – individual - fail to comply w/ applicable ordinances</u>	<u>The greater of:</u> <u>\$500 - \$1,000 for a single violation, or \$100 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$2,000 - \$10,000 for a single violation, or \$200 per day of an ongoing violation.</u>
<u>(26)</u>	<u>58-47b-502(3) – individual - fail to comply w/ state/local health or sanitation codes</u>	<u>The greater of:</u> <u>\$500 - \$1,000 for a single violation, or \$100 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$1,000 - \$5,000 for a single violation, or \$200 per day of an ongoing violation.</u>
<u>(27)</u>	<u>58-47b-502(4) – individual - fail to properly supervise</u>	<u>The greater of:</u> <u>\$200 - \$2,000 for a single violation, 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, or up to \$2,000 per day of an ongoing violation.</u>
<u>(28)</u>	<u>58-47b-502(5) – individual - fail to maintain mechanical or electrical equipment in safe operating condition</u>	<u>The greater of:</u> <u>\$100 - \$2,000 for a single violation, or \$125 per day of an ongoing violation.</u>	<u>The greater of:</u> <u>\$2,000 - \$10,000 for a single violation, or \$250 per day of an ongoing violation.</u>
<u>(29)</u>	<u>58-47b-502(6) – individual - fail to</u>	<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>

858

859

(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.

860

861

862

863

864

865

866

867

868

869

870

871

872

873

874

875  
876  
877  
878  
879  
880  
881

**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**

<u>Row</u>	<u>Violation</u>	<u>First Offense</u>	<u>Subsequent Offense</u>
(1)	<u>58-1-501(1)(a) – unlawful – unlicensed practice</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>
(2)	<u>58-1-501(1)(b) – unlawful - impersonating licensee or using different name</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>
(3)	<u>58-1-501(1)(c) – unlawful - knowingly employing a person who is not licensed</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>	<u>The greater of: \$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: \$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>
(5)	<u>58-1-501(1)(e) – unlawful - obtain licensure through fraud, forgery, misrep, etc.</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>
(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: \$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: \$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: \$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>
(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) – unprofessional – conduct that results in disciplinary action in another jurisdiction and conduct would result in denial or discipline in Utah</u>	<u>\$5,000 - \$10,000</u>	<u>\$10,000</u>
(11)	<u>58-1-501(2)(a)(vii) – unprofessional – practice/attempt to through gross incompetence/negligence, or pattern of incompetence/negligence</u>	<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) – unprofessional – practice or attempt to by action or communication that is false, misleading, etc.</u>	<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) – unprofessional - practice or attempt to outside of scope of licensee's licensure</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>
(14)	<u>58-1-501(2)(a)(xi) – unprofessional – abusing/exploiting another verbally, sexually, mentally, etc.</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>
(15)	<u>58-1-501(2)(a)(xv) – unprofessional – violating order governing a license</u>	<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) – establishment – operating without valid registration</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>
(17)	<u>58-47b-501.1(2) – establishment – using for housing, shelter, harboring</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>
(18)	<u>58-47b-501.1(3) – establishment – unlicensed massage</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>
(19)	<u>58-47b-501.1(4) – establishment – provider not fully clothed or</u>	<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:</u> <u>\$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>
(21)	<u>58-47b-501.1(6)– establishment – adult merchandise</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>
(22)	<u>58-47b-501.1(7)– establishment – advertise on sexually oriented website</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>	<u>The greater of:</u> <u>\$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:</u> <u>\$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>
(24)	<u>58-47b-501.1(9)– establishment – refuse inspection</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>	<u>The greater of:</u> <u>\$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:</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>
(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:</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>
(27)	<u>58-47b-501.1(12)– establishment – conceal someone</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>	<u>The greater of:</u> <u>\$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:</u> <u>\$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>
(29)	<u>58-47b-501.1(14)– establishment – attempt to elude inspector</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>	<u>The greater of:</u> <u>\$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:</u> <u>\$500 - \$1,000 for a single violation, or \$100 per day of an ongoing violation.</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>
(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>

882

883 (2) (a) Under Subsection R156-1-502(1), a citation may not be issued for a third or  
884 subsequent offense except in extraordinary circumstances approved by the bureau manager  
885 or chief investigator.

886 (b) If a citation is issued for a third or subsequent offense, the penalty shall be at least  
887 double the penalty for a second offense, up to the maximum penalty allowed under  
888 Subsection 58-47b-503.1.

889 (3) Multiple offenses may be cited on the same citation if the citation clearly indicates:

890 (a) each offense; and  
891 (b) the penalty allocated to each offense.

892 (4) The Division bureau manager, investigative team leader, or chief investigator may authorize a  
893 deviation from the a penalty amount based upon the aggravating or mitigating circumstances.

894 (5) The Division's presiding officer for a contested citation may increase or decrease the  
895 penalty(ies) imposed by the citation based on:

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

898  
899  
900 **R156-47b-504. Renting or Leasing to a Sole Practitioner - Attestation and Documentation.**

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

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

908  
909  
910 **R156-47b-601. Inspection.**

911 (1) Under Subsection 58-47b-601(1), the Division may enter and inspect the premises and  
912 facilities of a massage establishment, with or without notice, to determine compliance with Title  
913 58, Chapter 1, Division of Professional Licensing Act, Title 58, Chapter 47b, Massage Therapy  
914 Practice Act, and this Rule R156-47b;  
915 (2) In conducting an inspection under Subsection 58-47b-601, the Division may:  
916 (a) inspect and copy physical and electronic records of the massage establishment,  
917 including intake forms, billing records, and employment records;  
918 (b) inspect within reasonable limits and in a reasonable manner the premises and  
919 equipment, following the Division's Massage Establishment Inspection form, available at  
920 <https://>; and  
921 (c) verify the identity of all on-duty employees by checking photo identification and  
922 massage license, if any.  
923 (3) A massage establishment shall assist the inspector conducting an inspection by providing  
924 upon request any of the information described in Section R156-47b-302.2c.  
925 (4) An inspection shall be conducted with or without prior notice to the massage establishment,  
926 but each inspection shall be conducted within the operating hours of the massage establishment as  
927 defined in Subsection R156-47b-102(16), unless law enforcement requests the presence of a  
928 Division investigator outside of the operating hours in which case the inspection shall be limited to  
929 license and registration verifications.  
930 (5) If a massage establishment is located within a licensee's residence or an office space shared  
931 with other businesses, an inspector must have independent and sufficient legal justification before  
932 inspecting areas not to be used as a place of business for massage.

933  
934  
935 **R156-47b-16701. Standards for Animal Massage Therapy Training.**

936 Under Subsection 58-28-307(12)(c), an individual practicing animal massage shall have received at least  
937 60 hours of animal massage therapy training in the following areas:

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

941  
942  
943 **KEY: [-]licensing, massage establishment, massage establishment registration, massage therapy,**  
944 **massage therapist, massage apprentice, massage assistant, massage assistant-in-training, inspection,**  
945 **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